

MANUAL
OF THE
HOUSE OF REPRESENTATIVES
U. S.

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MANUAL

OF THE

U. S. Congress, House

HOUSE OF REPRESENTATIVES U. S.;

BEING A

DIGEST OF THE RULES OF THE HOUSE,

THE

JOINT RULES OF THE TWO HOUSES,

AND



OF SO MUCH OF JEFFERSON'S MANUAL AS UNDER THE RULES GOVERNS THE HOUSE; OF PRECEDENTS
OF ORDER AND USAGES OF THE HOUSE; TOGETHER WITH SUCH PORTIONS OF THE
CONSTITUTION OF THE UNITED STATES, LAWS OF CONGRESS, AND RESOLUTIONS
OF THE HOUSE AS RELATE TO THE PROCEEDINGS OF THE HOUSE,
AND THE RIGHTS AND DUTIES OF ITS MEMBERS.

ARRANGED ALPHABETICALLY.

WASHINGTON:

1859.

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1859

MANUAL
OF THE
HOUSE OF REPRESENTATIVES U. S.

ABSENCE FROM THE HOUSE.

"No member shall absent himself from the service of the House unless he have leave, or be sick or unable to attend."—*Rule 6.* Prohibited, unless by leave or from inability to attend.

"A smaller number than a quorum *may* be authorized to compel the attendance of absent members, in such manner and under such penalties as each house may provide."—*Const. 1, 5, 8.* Less than a quorum may be authorized to compel attendance.

"Any fifteen members (including the Speaker, if there be one) shall be authorized to compel the attendance of absent members."—*Rule 65.* Fifteen members authorized to compel attendance.

For mode of proceeding in case of the absence of members, see CALLS OF THE HOUSE. Proceed'gs in case of.

By the act of August 16, 1856, it is made the duty of the Sergeant-at-Arms to deduct from the monthly payments of members the amount of his compensation for each day that such member shall be absent from the House, unless such member shall assign as the reason for such absence the sickness of himself or of some member of his family.—*Stat. at Large, Vol. II, p. 49.* Deduction from compensation for.

ABSENCE FROM COMMITTEES OF THE WHOLE.

"Whenever the Committee of the Whole on the state of the Union, or the Committee of the Whole House, finds itself without a quorum, the chairman shall cause the roll of the House to be called, and thereupon the committee shall rise, and the chairman shall report the names of the absentees to the House, which shall be entered on the journal."—*Rule 126.* [As soon as the roll When no quorum by reason of, roll to be called.

call is completed, the practice is for the chairman *immediately* to vacate the chair, and consequently to report as absentees all such as failed to answer to their names when called.]

ACCOUNTS, COMMITTEE OF.

Its number, and
when appointed.

Duties of.

This committee, to consist of five members, is directed to be appointed at the commencement of each session of Congress.—*Rule 76.* Its duty is to superintend and control the expenditures of the contingent fund of the House, also to audit and settle all accounts which may be charged thereon.—*Rule 102.* And it is made the further duty of this committee to inquire into and report to the House any violation of the 150th rule in regard to the allowance of extra compensation to employés of the House, or their being interested in claims against the government.—*Rule 150.*

ACCOUNTS FOR PAY AND MILEAGE.

(See COMPENSATION.)

ACTS AND ADDRESSES.

To be signed by
the Speaker.

Acts and addresses shall be signed by the Speaker.—*Rule 15.*

ADDRESS TO THE PRESIDENT.

Where to be pre-
sented, by whom,
&c.

“Whenever the Senate and House of Representatives shall judge it proper to make a joint address to the President, it shall be presented to him in his audience chamber by the President of the Senate in the presence of the Speaker and both houses.”—*Joint Rule 11.*

ADHERE, MOTION TO.

One of the ques-
tions on amend-
ments between the
two houses.

Order in putting
question on.

The questions respecting amendments from another house are : 1st, to agree; 2d, disagree; 3d, recede; 4th, insist; 5th, adhere—*Manual*, p. 110—and take precedence in that order.—*Journals*, 1, 23, p. 229; 1, 34, p. 1516 to 1518.

"In the ordinary parliamentary course, there are two free conferences, at least, before an adherence"—*Manual*, p. 122—and sometimes three or four.—*Journals*, 1, 34, p. 943; 1, 35, p. 1136. Although "either house is free to pass over the term of insisting, and to adhere in the first instance; but it is not respectful to the other."—*Manual*, p. 122.

Usually at least two conferences before adherence.

A conference may take place after a vote of adherence by one house.—*Journals*, 1, 3, pp. 281, 283; 2, 3, p. 254; 1, 34, pp. 1600, 1602; 1, 35, pp. 604, 615, 620; *Senate Journal*, Jan. 20, 1834; *Manual*, p. 125.

Conference after one house adheres.

"After each house shall have adhered to their disagreement, a bill or resolution shall be lost."—*Joint Rule* 15.

After each house adheres, bill, &c., lost.

(See AMENDMENTS BETWEEN THE TWO HOUSES and CONFERENCE COMMITTEES.)

ADJOURN, MOTION TO.

"A motion to adjourn, and a motion to fix the day to which the House shall adjourn, shall be always in order, and these motions shall be decided without debate."—*Rule* 48.

And to fix the day of next meeting always in order.

Not debatable.

It has been decided and acted upon that the motion "to fix the day to which the House shall adjourn" takes precedence of a motion "to adjourn;" the reason being that, before the House adjourns, it is proper to fix the time to which it shall adjourn—*Note to same rule*—but when less than a quorum is present, no motion can be entertained, except to adjourn, or for a call of the House.—*Journal*, 1, 29, p. 356, and *Const.*, 1, 5, 8. [Consequently, at such a time, the motion to adjourn would take precedence.]

Motion to fix the day takes precedence of.

Unless no quorum present.

"A motion for adjournment cannot be made while another is speaking."—*Manual*, p. 81. [But, according to the practice, a member speaking may yield for a motion to adjourn, or that the committee rise, without losing his right to the floor when the subject is resumed.]

Cannot be made while another member is speaking, but he may yield for.

"Nor can a motion to adjourn be received after another question is actually put, and while the House is actually engaged in voting."—*Manual*, p. 94.

Not in order while voting on another question.

Can't be amended. "A motion to adjourn, simply, cannot be amended, as by adding 'to a particular day,' but must be put simply 'that this House do now adjourn?' and if carried in the affirmative, it is adjourned to the next sitting day, unless it has come to a previous resolution, 'that at its rising it will adjourn to a particular day,' and then the House is adjourned to that day."—*Manual*, p. 131.

When may be repeated. A motion to adjourn may be repeated, although no question has been put or decided since the former motion—*Journal*, 1, 23, p. 651—but there must have been some intervening business.—*Ibid.*, 1, 31, p. 1092. [Another motion submitted, progress in debate or reading a paper by the Clerk, an order of the yeas and nays, &c., has been considered such "intervening business" as will authorize a repetition of the motion to adjourn.]

Hour of making to be entered on journal. "The hour *at which* every motion to adjourn is made shall be entered on the journal."—*Rule* 49.

Motion to fix the hour to which the House shall adjourn. A motion to fix the hour *to which* the House shall adjourn does not take precedence of a motion to adjourn—*Journal*, 1, 29, p. 186—and can only be made when resolutions are in order—*Journal*, 1, 29, p. 933—[or under a suspension of the rules when in order.]

No adjournment till Speaker pronounces it. "If a question be put for adjournment, it is no adjournment till the Speaker pronounces it."—*Manual*, p. 131.

Legislative day does not end until an adjournment. There must be an adjournment before the legislative day will terminate—*Journal*, 1, 33, p. 804—and an adjournment does not take place by reason of the arrival of the time for the regular daily meeting of the House.—*Ibid.*, pp. 804, 811. And an adjournment does not necessarily take place at 12 o'clock a. m. on Sunday, nor is it against order for a majority to continue in session after the said hour, it being a question which must be left to be decided by the judgment and discretion of the House itself.—*Journal*, 1, 24, pp. 577, 582.

House cannot adjourn of itself for more than three days. "Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting."—*Const.*, 1, 5, 9.

When President may adjourn two houses. "In case of disagreement between them with respect to the time of adjournment, the President may adjourn the

two houses to such time as he may think proper.”—*Ibid.*, 2, 3, 18.

ADJOURNMENT, SINE DIE.

The adjournment of a session (other than that which terminates with the expiration of the term of service of the members) is provided for by the joint vote of the two houses, and usually in the following form: “Resolved by the Senate and House of Representatives, That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session by adjourning their respective houses on the — day of —, at — o’clock — m.” Form of resolution for.

And upon the arrival of that day and hour, or the hour of 12 o’clock m. of the 4th of March, when, by the usage, the last session of a Congress terminates, the Speaker (either on or without motion) pronounces the House adjourned *sine die*.—*Journals*, 1, 28, p. 1362; 1, 33, p. 1345; 1, 35, p. 1148; 2, 32, p. 431; 3, 34, p. 691; 2, 35, p. 625. When takes place.

AGENTS FOR CLAIMS.—(See CLAIM AGENTS.)

- AGRICULTURE, COMMITTEE ON.

There shall be appointed at the commencement of each session a Committee on Agriculture, to consist of nine members.—*Rule 76.* When appointed, and its number.

[No duties are assigned to the Committee on Agriculture by the rules.] Duties of.

AMENDMENT.

When a question is under debate, no motion shall be received but to adjourn, to lie on the table, for the previous question, to postpone to a day certain, to commit or *amend*, to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged.—*Rule 46.* Precedence of motion to amend.

A motion to strike out the enacting words of a bill takes precedence of a motion to amend.—*Rule 119.*—(See ENACTING WORDS, MOTION TO STRIKE OUT.) Motion to strike out enacting words

When in order to a bill.

A bill cannot be amended on the first reading.—*Manual*, p. 83. [Indeed, it has become the settled practice of the House not to receive an amendment to a House bill except when the question is on its engrossment, and to a Senate bill except when the question is on ordering it to a third reading.]

Not cut off by previous question.

If the motion to amend is pending when a demand for the previous question is made, it is not cut off by the order of the previous question.—*Rule 50*.

An amendment to only in order.

An amendment may be moved to an amendment, but it is not admitted in another degree.—*Manual*, p. 100. [But it is the well settled practice of the House that there may be pending at the same time with such amendment to the amendment, an amendment in the nature of a

But there may be also an amendment (in nature of substitute) and amendment to it.

substitute for part or the whole of the original text, and an amendment to that amendment.—(See *Journal*, 1, 31, pp. 1074, 1075.) It was decided many years ago that if the motion to amend the original matter was *first* submitted, it was not then in order to submit an amendment in the nature of a substitute.—*Journal*, 1, 19, p. 794; but it was subsequently decided otherwise—*Journal*, 1, 28, p. 807—and the practice ever since has been in accordance with the latter decision. So now, notwithstanding the pendency of a motion to amend an amendment to the original matter, a motion to amend, in the nature of a substitute, and a motion to amend that amendment may be received, but cannot be voted upon until the original matter is perfected.]

Amendment of Senate's amendment.

An amendment of the House to a Senate amendment is only in the first degree; for, as to the Senate, the first amendment with which they passed the bill is a part of its text; it is the only text they have agreed to.—*Manual*, p. 123.—(See AMENDMENTS BETWEEN THE HOUSES.)

Paragraph proposed to be inserted may be first amended.

“When it is proposed to amend *by inserting a paragraph*, or part of one, the friends of the paragraph may make it as perfect as they can, by amendments, before the question is put for inserting it. If it be received, it cannot be amended afterwards, in the same stage, because the House has, on a vote, agreed to it in that form.”—*Manual*,

p. 104. But an amendment which has been inserted may be added to.—*Journal*, 1, 19, p. 794. But not afterwards, except by adding to.

Although it is not in order to strike out by itself what has been inserted, it may be moved to strike out a portion of the original paragraph, comprehending what has been inserted, provided the coherence to be struck out be so substantial as to make this effectively a different proposition.—*Manual*, p. 106. Or striking out part of original paragraph including it.

If it is proposed to amend by striking out a paragraph, the friends of the paragraph are first to make it as perfect as they can, by amendments, before the question is put for striking it out.—*Manual*, p. 105. But, (contrary to the parliamentary practice,) if on the question it be retained, neither amendment nor a motion to strike out and insert shall be precluded thereby, and a motion to strike out and insert is indivisible.—*Rule* 53.—(See STRIKE OUT, MOTION TO.) Paragraph proposed to be struck out may be first amended.

After a proposition is amended it cannot be withdrawn.—*Rule* 45. No withdrawal after.

A motion to amend cannot be modified after the previous question is seconded.—*Journal*, 1, 28, p. 811—[doubtless for the reason that the pendency of the particular amendment may be the inducement for seconding the previous question.] If a member yields the floor to another to offer an amendment, as he may do, the member yielding loses his right to reoccupy it.—*Journal*, 1, 26, p. 248. No modification of, after previous question seconded.

An amendment proposing to ingraft a general provision of law upon a private bill is against order.—*Journal*, 1, 31, p. 784. It is also out of order to ingraft upon a bill for the relief of one individual a provision for the relief of another.—*Journal*, 2, 32, p. 414. Proposing a general provision of law to a private bill not in order.

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment. And no bill or resolution shall, at any time, be amended by annexing thereto, or incorporating therewith, any other bill or resolution pending before the House.—*Rule* 55. The latter clause of this rule, as originally reported to the House, contained at the end of it, "nor by any proposition containing the *substance*, in whole or in part, of any other bill or resolution pending before the House." These words were stricken out by the Must be germane and not incorporate any other pending bill.

May contain substance of pending bill.

House before it would agree to the rule, by which it would seem to have been decided that an amendment containing the *substance* of another bill or resolution may be entertained.—*Note to Rule 55*. [Such, too, has been the practice ever since.] It has been decided that an amendment including the same provisions, to a very great extent, as other bills pending before the House, is in order.—*Journal*, 1, 31, *p.* 1333.

Where inconsistent not out of order.

If an amendment be proposed inconsistent with one already agreed to, it is a fit ground for its rejection by the House, but not within the competence of the Speaker to suppress as if it were against order.—*Manual*, *p.* 104.

Presents new question, and a member who has spoken to main question may speak again.

On an amendment being moved, a member who has spoken to the main question may speak again to the amendment.—*Manual*, *p.* 104.

To bills granting lands for railroads.

A bill granting lands to a State for railroad purposes may be amended by adding thereto a similar provision for other States.—*Journal*, 1, 32, *pp.* 427, 967.

Of resolutions.

A resolution of the House cannot be amended so as to be converted into a *joint* resolution.—*Journal*, 1, 32, *p.* 679.

By way of rider to bill on third reading.

No amendment by way of *rider* shall be received to any bill on its third reading.—*Rule 122*.

To the rules.

An amendment to the rules cannot be proposed without one day's notice—*Rule 136*—nor, without a similar notice, is it in order to offer an amendment, the effect of which is to change a standing rule.—*Journal*, 1, 17, *p.* 282. And it is virtually an amendment of the rules to impose other duties upon an officer of the House than those already prescribed.—*Journal*, 1, 31, *p.* 456.

From Committee of the Whole or Senate not divisible.

An amendment reported from the Committee of the Whole as an entire amendment is not divisible.—*Journals*, 1, 28, *p.* 1061; 1, 29, *pp.* 366, 642; 1, 30, *p.* 1059; 2, 30, *p.* 574. Nor is an amendment of the Senate divisible.—*Journal*, 2, 32, *p.* 401.

Additional, after report from Committee of Whole.

After a bill has been reported from the Committee of the Whole with amendments, it is in order to submit an additional amendment, but the first question put is upon

Where, in Committee of Whole, paragraph amended and then struck out.

the amendments reported.—*Journal*, 1, 29, *p.* 865. If, in Committee of the Whole an amendment is adopted, and, subsequently, the paragraph as amended is struck

out, the amendment striking out is the only one to be reported to the House. And if the latter is voted down in the House, the first amendment is not thereby revived.—*Journal*, 2, 31, p. 346.

No amendment shall be reported in a general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress, and for the contingencies for carrying on the several departments of the government.—*Rule* 81. [This rule, so far as relates to amendments offered, is usually enforced with much strictness, but an instance is not known where the Committee of the Whole has ever ruled out any portion of a bill as reported from the Committee of Ways and Means, although containing provisions in violation of said rule.] (See APPROPRIATION BILLS.)

To general appropriation bills.

AMENDMENTS BETWEEN THE TWO HOUSES.

When either house, *e. g.* the House of Representatives, send a bill to the other, the other may pass it with amendments. The regular progression in this case is: that the House disagree to the amendment; the Senate insist on it; the House insist on their disagreement; the Senate adhere to their amendment; the House adhere to their disagreement.—(See *Manual*, pp. 121, 122.)

“After each house shall have adhered to their disagreement, a bill or resolution shall be lost.”—*Joint Rule* 15.

Regular progression from disagreement to adherence by both houses.

“Either house may recede from its amendment and agree to the bill; or recede from their disagreement to the amendment, and agree to the same absolutely, or with an amendment.”—*Manual*, p. 122. And a motion to recede takes precedence of a motion to insist.—*Journals*, 1, 23, p. 229; 1, 29, p. 696. “But the House cannot recede from or insist on its own amendment with an amendment. * * * They may modify an amendment from the other house by ingrafting an amendment on it.”—*Manual*, p. 122.

Either house may recede.

Motion to recede takes precedence of motion to insist.

House cannot recede from or insist on its amendment with amendment, but may amend other house's amendment.

Motion to amend an amendment of other house.

"A motion to amend an amendment from the other house takes precedence of a motion to agree or disagree.

One house may amend the other's amendment to its amendment.

A bill originating in one house is passed by the other with an amendment.

The originating house agrees to their amendment with an amendment. The other may agree to their amendment with an amendment, that being only in the second and not the third degree; for, as to the amending house, the first amendment with which they passed the bill is a part of its text; it is the only text they have agreed to.—*Ibid.*, p. 123.

Two conferences at least before adherence.

"In the ordinary parliamentary course there are two free conferences, at least, before an adherence."—

Manual, p. 122; *Journals*, 1, 34, p. 943; 1, 35, p. 1136.

Although either house is free to pass over the term of

But House may adhere in first instance; but motion to insist takes precedence.

insisting and to adhere in the first instance; but it is not respectful to the other.—*Manual*, p. 122. A motion

to insist, however, takes precedence of a motion to adhere.—*Journal*, 1, 34, p. 1516 to 1518.—(See CONFERENCE COMMITTEES.)

After adherence by one house.

"After one house has adhered, the other may recede—*Journals*, 1, 1, pp. 113, 114; 1, 2, p. 152; 1, 8, pp. 671, 673—or ask a conference, which may be agreed to by the adhering house.—*Journals*, 1, 1, pp. 156, 157; 1, 3, pp. 281, 283; 1, 35, pp. 604, 615, 620.—(See ADHERE, MOTION TO.)

APPEAL.

Question of order arising out of a question, to be decided first.

"A question of order arising out of any other question must be decided before that question."—*Manual*, p.

101.

Questions of order relative to motions, their relevancy, &c., subject to.

Questions of order decided by the Speaker shall be "subject to an appeal to the House by any two members; on which appeal no member shall speak more than

Debate on.

once, unless by leave of the House."—*Rule* 2. [The questions of order herein referred to relate to motions or propositions, their applicability or relevancy, &c.—*Note to Rule* 2.] But "all incidental questions of order arising

When not debate-able.

after a motion is made for the previous question, and pending such motion, shall be decided, whether on ap-

peal or otherwise, without debate.”—*Rule 51*. [So, too, under the practice, all questions of order which may arise, pending a question which is not debatable, must be decided without debate.] And “all questions relating to the priority of business to be acted on shall be decided without debate.”—*Rule 113*.

“If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call to order; in which case the member so called to order shall immediately sit down, unless permitted to explain; and the House shall, if appealed to, decide on the case, but without debate.”—*Rule 35*. [The call to order herein referred to has reference only to “transgressions of the rules in speaking,” or to indecorum of any kind.]

(See ORDER.)

“If any difficulty arises in point of order during the division, the Speaker is to decide peremptorily, subject to the future censure of the House, if irregular.”—*Manual*, p. 118.

An appeal may be laid on the table—*Journal*, 1, 26, p. 529—and being laid on the table does not carry with it the whole subject.—*Ibid.*, p. 530. [Of late years this motion is almost invariably made in case of an appeal, and, if carried, its effect is considered equivalent to a vote sustaining the decision of the Chair.]

It is too late to renew a question of order on the admissibility of a proposition which has been overruled on the preceding day, where debate has been allowed to progress on such proposition.—*Journal*, 1, 30, p. 989. And it is also too late to raise a question of order on a motion entertained without objection on a former day, and entered on the journal.—*Ibid.*, 2, 30, p. 382.

A question of order just decided on appeal cannot be renewed, even upon the suggestion of additional reasons.—*Ibid.*, 1, 32, p. 935.

Where an appeal has been decided, and by virtue of such decision a bill taken up and passed, it is too late to move a reconsideration of the vote on the appeal.—*Ibid.* 1, 31, pp. 860, 861.

In case of member transgressing rules in speaking or indecorum.

Not debatable.

No appeal on point of order during a division.

May be laid on table, and its effect.

Where too late to raise question of order.

Question just decided on cannot be renewed.

Where too late to reconsider vote on appeal.

Not in order while another is pending. An appeal is not in order while another appeal is pending.—*Cong. Globe*, 1, 27, p. 154; 2, 29, p. 290.

How question on stated. [The form of stating the question on an appeal is: "Shall the decision of the Chair stand as the judgment of the House?"]

Questions of order to be noted and put at end of Journal. "All questions of order shall be noted by the Clerk, with the decision, and put together at the end of the journal of every session."—*Rule* 111.

APPROPRIATION BILLS.

General, when to be reported. "It shall be the duty of the Committee of Ways and Means, within thirty days after their appointment, at every session of Congress commencing on the first Monday of December, to report the general appropriation bills—for the civil and diplomatic expenses of government, for the army, for the navy, and for the Indian department and Indian annuities; or on failure thereof the reasons of such failure."—*Rule* 79. [Under the practice of the House,

What are general. of several years' standing, the general appropriation bills are: for "legislative, executive, and judicial expenses;" for "sundry civil expenses;" for "consular and diplomatic expenses;" for the "army;" for the "navy;" for "expenses of the Indian department;" for the "payment of invalid and other pensions;" for the "support of the Military Academy;" for "fortifications;" for "the service of the Post Office Department;" and for "mail transportation by ocean steamers."]

General, to be reported upon call of committee. The foregoing rule does not authorize the Committee of Ways and Means to report said bills at any time except upon a call of committees for reports.—*Journal*, 3, 34, p. 155.

Appropriations for carrying out treaties not to be included in. "In preparing bills of appropriation for other objects, the Committee of Ways and Means shall not include appropriations for carrying into effect treaties made by the United States; and when an appropriation bill shall be referred to them for their consideration which contains appropriations for carrying a treaty into effect, and for other objects, they shall propose such amendments as shall prevent appropriations for carrying a treaty into effect being included in the same bill with appropriations for other objects."—*Rule* 78.

But where a general appropriation bill containing an item for carrying out a treaty has been committed by the House, it cannot be ruled out of order by the Committee of the Whole.—*Cong. Globe*, 2, 31, pp. 356, 357.

But where committed cannot be ruled out of order.

“No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress, and for the contingencies for carrying on the several departments of the government.”—*Rule* 81.

Amendment to general.

[This rule is rigidly enforced, so far as relates to amendments offered in the House or in committee, but it not unfrequently happens that bills are reported which are in conflict with it; and as they are usually received by the House and committed without being read *in extenso*, the conflict is not discovered until they are considered in committee, when it is too late to make the point.]

“All proceedings touching appropriations of money shall be first discussed in a Committee of the Whole House.”—*Rule* 133. [The construction given to this rule is, that all bills, or amendments thereto, containing an appropriation of money must be committed to a Committee of the Whole before being considered in the House; hence, if such a bill, on its engrossment or third reading, or such an amendment, be pending before the House, and no motion is made to commit or postpone, the House must pass from its consideration and the bill go to the Speaker’s table.]

And proceedings touching to be first discussed in Committee of the Whole.

But a bill directing the disbursement of money *already appropriated*—*Journal*, 1, 24, p. 254—or directing payment of money hereafter to be appropriated—*Journal* 1, 31, p. 1216—need not be committed. Neither is it necessary that a bill containing an appropriation of *lands* should be committed.—*Journal*, 1, 30, p. 526. And when the rules have been suspended for the purpose of enabling the report of a measure to be made, and also for its consideration, a point of order that it contains an appropriation cannot be well taken.—*Journal*, 1, 34, pp. 1172, 1173.

Bills which need not be committed as.

When point of order on cannot be well taken.

Preference given
to general.

“General appropriation bills shall be in order in preference to any other bills of a public nature, unless otherwise ordered by a majority of the House.”—*Rule 80.* And in Committee of the Whole House on the state of the Union “general appropriation bills, and, in time of war, bills for raising men and money, and bills concerning a treaty of peace, shall be preferred to all other bills, at the discretion of the committee; and when demanded by any member, the question (of consideration) shall first be put in regard to them.”—*Rule 135.* [Existing special orders, however, (being made under a suspension of the rules,) take precedence of all other business.]

Division of the
question on, for
internal improve-
ments.

“Upon the engrossment of any bill making appropriations of money for works of internal improvement of any kind or description, it shall be in the power of any member to call for a division of the question, so as to take a separate vote of the House upon each item of improvement or appropriation contained in said bill, or upon such items separately, and others collectively, as the members making the call may specify; and if one-fifth of the members present second said call, it shall be the duty of the Speaker to make such divisions of the question, and put them to vote accordingly.”—*Rule 151.*

BALLOT.

When committees
are to be appointed
by.

“All committees shall be appointed by the Speaker unless otherwise specially directed by the House, in which case they shall be appointed by ballot; and if, upon such ballot, the number required shall not be elected by a majority of the votes given, the House shall proceed to a second ballot, in which a plurality shall prevail; and in case a greater number than is required to compose or complete a committee shall have an equal number of votes, the House shall proceed to a further ballot or ballots.”—*Rule 7.* “In all other cases of ballot than for committees, a majority of the votes given shall be necessary to an election; and where there shall not be such a majority on the first ballot, the ballots shall be repeated until a majority be obtained; and in all ballotings

blanks shall be rejected and not taken into the count in enumeration of votes, or reported by the tellers.”—*Rule 11.*

“In all cases of ballot by the House the Speaker shall vote.”—*Rule 12.* Speaker shall vote in cases of.

“No member or other person shall visit or remain by the Clerk’s table while ballots are counting.”—*Rule 39.* No person to visit Clerk’s desk while counting.

[There has been no instance for many years where a vote by ballot has been taken in the House, the Speaker and other officers having been elected by *viva voce* votes, and the committees appointed by the Speaker.] Vote of late years not taken by.

(See ELECTIONS AND COMMITTEES.)

BAR OF THE HOUSE.

“No member shall vote in any case where he was not within the bar of the House when the question was put. And when any member shall ask leave to vote, the Speaker shall propound to him the question: ‘Were you within the bar when your name was called.’”—*Rule 40.* [And upon his answer in the affirmative, or that he was within the bar before the name of the member next to his on the roll was called, he is permitted to vote. He must, however, answer the question for himself, the Speaker always very properly refusing to decide for him whether or not he was within the bar.] In order to vote members must be “within the bar.”

[At the 1st session 35th Congress, (see Journal, p. 337,) soon after the occupancy of the present hall, it was decided that, in order to be entitled to vote, a member, when his name was called, must have been upon the floor of the hall, and not outside of *any* of the doors leading into it.] What is meant by “within the bar.”

“Upon a division or count of the House on any question, no member without the bar shall be counted.”—*Rule 41.* No vote of a member without, to be counted.

BILLS.

(See also PRIVATE BILLS AND PRIVATE BUSINESS.)

Every bill shall be introduced on the report of a committee, or by motion for leave—*Rule 114*—or upon the How bills are introduced.

report of the Court of Claims.—(*Stat. at Large, Vol. X, pp. 613, 614.*)

Revenue bills.

“All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments, as on other bills.”—*Const.* 1, 7, 10.

Bills on leave.

“In the case of a bill on leave, at least one day’s notice shall be given of the motion in the House, or by filing a memorandum thereof with the Clerk, and having it entered on the Journal; and the motion shall be made and the bill introduced, if leave is given, when resolutions are called for; such motion, or the bill when introduced, may be committed.”—*Rule 114.*

[The notice above referred to is rarely given in the House, (it being in order to give it there only when resolutions are in order,) but is usually given to the Clerk by sending to him a written memorandum in this form :

Form of notice.

“Mr. — gives notice that to-morrow, or on some subsequent day, he will ask leave to introduce a bill, (here insert its title.”) If the member desires his notice to appear in the newspaper report of the proceedings of the House, he should furnish the reporter of such paper with a copy of the memorandum furnished the Clerk.

To have notice appear in newspaper.

When to move for leave.

Having given his notice, it is then in order, on any subsequent day, when resolutions are being called for, and when his particular State is called, to move for leave

Difficulties in the way of introducing bills on leave.

to introduce his bill. But the regular call of the States for resolutions occurs so seldom after the first few weeks of the session that an opportunity is rarely offered for making the motion in order. Hence, bills on leave are generally introduced only by the unanimous consent of the House. The practice of introducing bills on leave, besides its inconvenience, does not facilitate business.

Objections to the practice of introducing bills on leave.

If, instead of waiting for an opportunity to introduce his bill on leave, the member would file his petition, or whatever other matter he may have in favor of the proposed legislation, and have it referred to the appropriate committee, as he may do on any day under *Rule 24*, (see *PETITIONS*,) he will thus have the subject before them, and will get their report as speedily as if his bill had been

referred. Besides, the bill thus reported comes before the House unencumbered with amendments, as is not likely to be the case with a bill previously referred. These suggestions, of course, do not apply to cases where the immediate passage of a bill without the intervention of a committee is sought for, or where it is desirable to refer it to a *select* committee.]

For information in regard to bills reported from a committee, see COMMITTEES. Bills reported from committees.

So in regard to bills reported from the Court of Claims.— Bills reported from Court of Claims.
See CLAIMS, COURT OF.

“Every bill shall receive three several readings in the House previous to its passage; and bills shall be despatched in order as they were introduced, unless where the House shall direct otherwise; but no bill shall be twice read on the same day without special order of the House.”—*Rule 115*. [The “special order” here referred to is generally assumed to have been given, for, unless objection is made, immediately after the bill is read a first time, the Speaker announces “the second reading of the bill,” and it thereupon receives its second reading.] Every bill shall have three readings.

The first reading of a bill shall be for information, and, if opposition be made to it, the question shall be: “Shall this bill be rejected?”—*Rule 116*. And this question is debatable.—*Journal*, 2, 32, p. 152. But “if no opposition be made, or if the question to reject be negatived, the bill shall go to its second reading without a question.”—*Rule 116*. Objection after first reading.

[The three readings of a bill are usually by the title, the reading throughout usually taking place in Committee of the Whole; but where there is no commitment, it then takes place whenever it is proposed to put the bill on its passage. It is the undoubted right, however, of any member to have a bill read throughout at every stage of its progress through the House.—See READING OF PAPERS.] Usually read by their title.

“Upon the second reading of the bill, the Speaker shall state it as ready for commitment or engrossment; and, if committed, then a question shall be, whether to a select or standing committee, or to a Committee of the Right of a member to have read throughout. After second reading.

Whole House; if no motion be made to commit, the question shall be stated on its engrossment; and if it be not ordered to be engrossed on the day of its being reported, it shall be placed on the general file on the Speaker's table, to be taken up in order. But if the bill be ordered to be engrossed, the House shall appoint the day when it shall be read the third time."—*Rule 117.*

Open to debate,&c. [The settled practice of the House upon the second reading of a bill, unless it be an APPROPRIATION BILL, (which see,) is to consider it as open to debate. When, under the 46th rule, it is in a condition for a motion to lie on the table, for the previous question, to postpone to a day certain, to commit or amend, to postpone indefinitely, which several motions take precedence in the order in which they are arranged. "But a motion to strike out the enacting words of a bill shall have precedence of a motion to amend; and, if carried, shall be considered equivalent to its rejection."—*Rule 119.*—(See all of said motions respectively.)

Commitment. Amendment. Engrossment and third reading. The question of engrossment is put in this form, viz: "Shall the bill be engrossed and read a third time?" If it be negatived, the bill is rejected; but if it be decided in the affirmative, and the bill is actually engrossed, or no question is made on its failure to be engrossed, the Speaker *immediately* directs "the third reading of the bill." But if the question is made, and it be not actually engrossed, the bill goes to the Speaker's table. In the case of a Senate bill, the engrossment having already been made before it came to the House, the question which arises is, "Shall the bill be read a third time?" which being decided negatively, the bill is rejected; but being decided affirmatively, the bill is immediately read a third time.

Third reading of Senate bills. After third reading. After the third reading of a bill, the question which next arises, in course, is, "Shall the bill pass?" At this stage the bill is again open to debate, but is not amendable; it may, however, under the 120th rule, be recommitted at any time before passage.—(See RECOMMIT, MOTION TO.)

Debate.

Recommitment.

The bill having passed, and the title having been read, After passage. the Speaker states, "if there be no objection this will remain the title of the bill." The title, however, is Title. subject to amendment.

[After the title is disposed of, it is usual for the member After title disposed of. having charge of the bill to move "that the vote last taken be reconsidered, and that the motion to reconsider be laid on the table;" which latter motion having been decided in the affirmative, no reconsideration can take place, and the transmission of the bill to the Senate cannot be delayed. Indeed, it is not uncommon to make the motion "to reconsider and lie" at every stage of the Motion to reconsider and lie. bill.]

The bill is then, as required by *Rule 123*, "certified Certified by Clerk and taken to the Senate. by the Clerk, notifying the day of its passage at the foot thereof," and conveyed by him to the Senate, "together with all the papers on which it is founded," as required by *Joint Rule 14*. But "no bill that shall have passed one house shall be sent for concurrence to the other on either of the last three days of the session."—(*Joint Rule 16*.) [This rule is almost invariably suspended by Not to be taken to the Senate on last three days of session. the two houses near the close of a session.]

"While bills are on their passage between the two To be on paper, when on passage between the two houses. houses, they shall be on paper, and under the signature of the Secretary or Clerk of each house respectively."—*Joint Rule 5*.

[After the bill has been acted on by the Senate, it is After the return of, from Senate with amendment. brought back to the House by the Secretary of the Senate, together with a report of their action thereon. If it has passed with amendment, it is placed on the Speaker's table, to be taken up in its order under the *27th rule*.

When taken up, the amendment of the Senate may be Action on Senate amendment to. either agreed to, disagreed to, or agreed to with amendment; in case of an appropriation of money being involved in the amendment, however, it must be first considered in a Committee of the Whole.

If the amendment of the Senate is agreed to, that body When the Senate amendment is agreed to. is notified of the fact by message through the Clerk, and the bill is enrolled.

Amendments between the houses.

In case of disagreement by the House to, or amendment of, the Senate's amendment, see AMENDMENTS BETWEEN THE HOUSES and CONFERENCE COMMITTEES.

After passage by both houses, to be enrolled on parchment.

"After a bill shall have passed both houses, it shall be duly enrolled on parchment by the Clerk of the House of Representatives or the Secretary of the Senate, as the bill may have originated in the one or the other house, before it shall be presented to the President of the United States."—*Joint Rule 6.*

When enrolled, to be examined.

"When bills are enrolled, they shall be examined by a joint committee of two from the Senate and two from the House of Representatives, appointed as a standing committee for that purpose, who shall carefully compare the enrolment with the engrossed bills, as passed in the two houses, and correcting any errors that may be discovered in the enrolled bills, make their report forthwith to their respective houses."—*Joint Rule 7.*

(See ENROLLED BILLS, COMMITTEE ON.)

When examined, to be reported to House and signed by Speaker.

"After examination and report, each bill shall be signed in their respective houses, first by the Speaker of the House of Representatives, then by the President of the Senate."—*Joint Rule 8.*

After being signed by presiding officers, to be presented to President.

"After a bill shall have been thus signed in each house, it shall be presented by the said committee to the President of the United States for his approbation, it being first endorsed on the back of the roll, certifying in which house the same originated: which endorsement shall be signed by the Secretary or Clerk (as the case may be) of the house in which the same did originate, and shall be entered on the journal of each house. The said committee shall report the day of presentation to the President, which time shall also be carefully entered on the journal of each house."—*Joint Rule 9.* But "no bill or resolution that shall have passed the House of Representatives and the Senate shall be presented to the President of the United States for his approbation on the

But not on last day of session.

last day of the session."—*Joint Rule 17.* [This rule, like the 16th, is generally suspended near the close of the session.]

After a bill is presented to the President, "if he approve he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated."—*Const.* 1, 7, *p.* 10. [Where the President approves a bill, it is customary for him to notify the house where the bill originated of the fact, and the date of his approval, which is entered on the journal.]

After being presented to President.

Where bill is approved.

In case of a bill returned with the objections of the President.—(See VETO.)

Where vetoed.

"If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return, in which case it shall not be a law."—*Const.* 1, 7, *p.* 10. And where he is prevented by an adjournment from returning a bill, it is usual for him to communicate his reasons for not approving it at the next session.—*Journals*, 2, 12, *p.* 544; 1, 30, *p.* 82; 2, 35, *p.* 151.

Where not returned within ten days.

Where President is prevented from returning by reason of adjournment.

"When a bill or resolution which shall have passed in one house is rejected in the other, notice thereof shall be given to the house in which the same shall have passed."—*Joint Rule* 12. And when so rejected, "it shall not be brought in during the same session, without a notice of ten days and leave of two-thirds of that house in which it shall be renewed."—*Joint Rule* 13.

Where bill of one house is rejected in the other.

Not to be brought in again without leave of two-thirds.

In regard to bills left undisposed of at the end of a session, see UNFINISHED BUSINESS.

Bills undisposed of at end of session.

BINDING.

Extra copies of documents, the size of which shall not be less than 250 pages, shall be bound under the direction of the Committee on Printing on the part of the House, at a cost not exceeding 12½ cents per volume—act of March 3, 1853.—*Stat. at Large*, Vol. X, *p.* 190.

Of extra copies of documents.

"The Clerk shall have preserved for each member of the House an extra copy, in good binding, of all the documents printed by order of either house at each future session of Congress."—*Rule* 144.

Of session documents.

BLANKS.

How filled.

"In filling up blanks, the largest sum and longest time shall be first put."—*Rule 130*. [But where a specific time or sum stands part of a motion, it is not until it is struck out, and a blank thereby produced, that this rule can begin to operate.]

Left by one house
may be filled by the
other.

"A bill passed by the one house with blanks. These may be filled up by the other by way of amendments, returned to the first as such, and passed."—*Manual*, p. 107.

Not to be counted
in ballotings.

"In all ballotings blanks shall be rejected, and not taken into the count in enumeration of votes, or reported by the tellers."—*Rule 11*.

BOND.

Of Sergeant-at-
Arms.

"The Sergeant-at-Arms shall give bond, with surety, to the United States, in a sum not less than five nor more than ten thousand dollars, at the discretion of the Speaker, and with such surety as the Speaker may approve, faithfully to account for the money coming into his hands for the pay of members."—*Rule 71*.

Of Clerk.

The Clerk shall, within thirty days after he enters upon the duties of his office, give bond to the United States, with one or more sureties, to be approved by the Comptroller of the Treasury, in the penal sum of twenty thousand dollars, with condition for the faithful application and disbursement of the contingent fund of the House.—*Stat. at Large*, Vol. III, p. 212.

BOOKS.

Price of, received
by members, to be
deducted from
compensation.

"If any books shall hereafter be ordered to and received by members of Congress by a resolution of either or both houses of Congress, the price paid for the same shall be deducted from the compensation provided for such member or members: *Provided, however*, That this shall not extend to books ordered to be printed by the public printer during the Congress for which the said member shall have been elected."—*Stat. at Large*, Vol. XI, p. 49.

BRIBERY.

An offer to bribe a member is held to be a breach of ^{Attempted, of} the privileges of the House.—*Journals*, 1, 4, 389; 1, 15, ^{member breach of} 117, 154; *Manual*, p. 55. ^{privilege.}

By the act of February 26, 1853, it is provided “that ^{Of members of} if any person or persons shall, directly or indirectly, ^{Congress.} promise, offer, or give, or cause or procure to be promised, offered, or given, any money, goods, right in action, bribe, present, or reward, or any promise, contract, undertaking, obligation, or security for the payment or delivery of any money, goods, right in action, bribe, present, or reward, or any other valuable thing whatever, to any member of the Senate or House of Representatives, after his election as such member, and either before or after he shall have qualified and taken his seat, or to any officer of the United States, or person holding any place of profit or trust, or discharging any official function under, or in connexion with, any department of the government of the United States, or under the Senate or House of Representatives ^{Or employés of the} of the United States, with intent to influence his vote or ^{House.} decision on any question, matter, cause, or proceeding which may then be pending, or may by law, or under the Constitution of the United States, be brought before him in his official capacity, or in his place of trust or profit, and shall be convicted thereof, such person or persons so offering, promising, or giving, or causing or procuring to be promised, offered, or given, any such money, goods, right in action, bribe, present, or reward, or any promise, contract, undertaking, obligation, or security for the payment or delivery of any money, goods, right in action, bribe, present or reward, or other valuable thing whatever; and the member, officer, or person who shall in any- ^{Acceptance of} wise accept or receive the same, or any part thereof, shall ^{bribes.} be liable to indictment as for a high crime and misdemeanor in any court of the United States having jurisdiction for the trial of crimes and misdemeanors, and shall, upon conviction thereof, be fined not exceeding ^{Penalty for.} three times the amount so offered, promised, or given,

and imprisoned in a penitentiary not exceeding three years; and the person convicted of so accepting or receiving the same, or any part thereof, if an officer or person holding any such place of trust or profit as aforesaid, shall forfeit his office or place; and any person so convicted under this section shall forever be disqualified to hold any office of honor, trust, or profit under the United States.”—*Stat. at Large*, vol. X, p. 171.

BUSINESS—DAILY ORDER OF.

Reading of journal.
Reports of committees.

Call for resolutions.

Business on Speaker's table.

Different order on Friday, Saturday, and alternate Monday.

Interference with regular order of business.

“As soon as the journal is read reports from committees shall be called for and disposed of.”—*Rule 23*. Reports from committees having been disposed of, the Speaker shall then call the States and Territories for resolutions—*Rule 25*—and at this time bills on leave may be introduced.—*Rule 114*. After one hour thus devoted, it is in order to move to proceed to dispose of the business on the Speaker's table, and to the orders of the day.—*Rule 27*. [Such is the regular order of business, which may be pursued under the rules each day, except Fridays and Saturdays, which, under the *29th and 30th rules*, are set apart for the consideration of private bills and private business, and each alternate Monday, which, under the *26th rule*, is to be devoted to the call of the States and Territories for resolutions; and if this order was more faithfully pursued than has been usual for a few years past, much more business could be transacted, and the Speaker's table would be found a much more desirable resting place for bills than it has been in the experience of recent members. Some years ago it was customary, *each day*, as soon as the morning hour expired, to go to business on the Speaker's table, and a very short time thus devoted enabled the House to clear it off. It being in order at *any time*, by a majority vote, under *Rule 136*, to go into Committee of the Whole on the state of the Union, it is the almost daily practice of the House, immediately after reports of committees are disposed of, to avail themselves of the privilege, thus permitting an accumulation of business on the Speaker's table, which

in time becomes truly formidable. It is an almost daily practice, too, for much time to be consumed in receiving applications for the consideration of business out of its order—applications which are often resisted, and consequently defeated, and which, but for the time thus consumed, might be reached in order. The regular order of business is often interfered with by questions of privilege, special orders, privileged questions, &c. It frequently happens, too, that the House adjourns immediately after ordering the main question on a bill or motion pending, in which case the putting of the main question takes precedence over every other kind of business at the next meeting of the House.—See *Journal*, 2, 28, p. 310.]

“Friday and Saturday in every week shall be set apart ^{Friday and Saturday.} for the consideration of private bills and private business, in preference to any other.”—*Rule 29*. [On those days, as soon as the journal is read, the Speaker proceeds to call the committees for reports of a private nature, (giving precedence, under the 154th rule, to business from the Court of Claims before the Committee of Claims,) which, being disposed of, it is his practice, without motion, to lay before the House such business of the same character as may be upon his table. It is then usual for some member (commonly the chairman of the Committee of Claims) to move that the House resolve itself into a Committee of the Whole on the private calendar. This motion may be, and often is, made as soon as the journal is read. Although this motion takes precedence of the motion to go into Committee of the Whole on the state of the Union, and, if made, must be first voted on, the latter motion is often made and carried, and thus private bills fail to receive consideration.]

“On the first and fourth Friday of each month the ^{Objection days.} calendar of private bills shall be called over, (the chairman of the Committee of the Whole House commencing the call where he left off the previous day,) and the bills to the passage of which no objection shall then be made shall be first considered and disposed of.”—*Rule 30*. It has been decided that this rule, so far as relates to the consideration of bills only which are not objected to,

applies as well to private bills in the House as in committee.—*Journal*, 1, 31, p. 697.

Order on each alternate Monday.

“On each alternate Monday all the States and Territories shall be called for resolutions.”—*Rule* 26. [As soon as the journal is read on this day, the Speaker announces as in order the call of the States and Territories for resolutions; but, as it is equally in order, under the 137th rule, for the Speaker “at any time on Monday of every week” to entertain a motion to suspend the rules, the call for resolutions is usually defeated.

Order every Monday.

“The order of business, as established by the rules, shall not be changed, except by a vote of at least two-thirds of the members present.”—*Rule* 136. [And as the motion to suspend the rules can only be made on Mondays and the last ten days of a session—*Rule* 137—no change of the order of business can ordinarily be made.]

Order of business only changed by two-thirds vote.

BUSINESS—ON THE SPEAKER'S TABLE.

When motion may be made to go to.

“After one hour shall have been devoted to reports from committees and resolutions, it shall be in order, pending the consideration or discussion thereof, to entertain a motion that the House do now proceed to dispose of the business on the Speaker's table.”—*Rule* 27. [The

When morning hour begins.

“hour”—known as the “morning hour”—is construed to begin from the announcement by the Speaker to the House that reports of committees are in order, and it is not necessary that resolutions shall have been called for. It is an invariable practice, too, to permit a member, upon the expiration of the morning hour, to take the floor, even though another may be occupying it, to make the motion to proceed to business on the Speaker's table. But this motion is not made daily, as was evidently contemplated by the rules, and as was the early practice; and, when made, is not always voted affirmatively; hence there often occurs that heavy accumulation of business on the table, which makes it so much dreaded as the depository of bills.]

Floor may be taken from member to make motion.

Accumulation of.

Order of disposing of.

The motion to go to business on the Speaker's table “being decided in the affirmative, the Speaker shall dispose of it in the following order, viz:

“1st. Messages and other Executive communications.

"2d. Messages from the Senate, and amendments proposed by the Senate to bills of the House.

"3d. Bills and resolutions from the Senate on their first and second reading, that they be referred to committees and put under way; but if, on being read a second time, no motion being made to commit, they are to be ordered to their third reading, unless objection be made; in which case, if not otherwise ordered by a majority of the House, they are to be laid on the table in the general file of bills on the Speaker's table, to be taken up in their turn.

"4th. Engrossed bills and bills from the Senate on their third reading.

"5th. Bills of the House and from the Senate on the Speaker's table, on their engrossment, or on being ordered to a third reading, to be taken up and considered in the order of time in which they passed to a second reading.

"The messages, communications, and bills on his table having been disposed of, the Speaker shall then proceed to call the orders of the day."—*Rule 27.*

"The Clerk shall make a weekly statement of the resolutions and bills upon the Speaker's table."—*Rule 145.* Weekly statement of business on table.
[A printed copy of this statement is laid upon each member's table every Monday morning.]

"The unfinished business in which the House was engaged at the last preceding adjournment shall have preference in the orders of the day; and no motion on any other business shall be received, without special leave of the House, until the former is disposed of."—*Rule 58.* Unfinished business at adjournment, when to be considered. [Under the 27th rule, "the orders of the day" here referred to do not come up regularly for consideration until the five enumerated classes of business on the Speaker's table are disposed of; hence, the "preference" here given the "unfinished business" amounts to but little, if the business on the Speaker's table is not regularly disposed of. A practice has grown up within a few years back, and has been so universally acquiesced in as to have become the law of the House, which permits any "unfinished business," in connexion with which the motion to "commit" was left pending when the House, whether by adjournment or otherwise, parted from its consideration, to be Effect of pending of motion to commit.

resumed *first in its class* whenever that particular class of business is resumed. For instance, if, pending the consideration of a bill taken from the Speaker's table which is on its engrossment, the House shall adjourn pending a motion to commit, its consideration is resumed whenever the fifth class of business on the Speaker's table is again reached.]

BUSINESS—UNFINISHED AT END OF A FIRST SESSION.

Bills, resolutions, and reports to be resumed as though no adjournment.

"After six days from the commencement of a second or subsequent session of any Congress, all bills, resolutions, and reports, which originated in the House, and at the close of the next preceding session remained undetermined, shall be resumed and acted on in the same manner as if an adjournment had not taken place."—*Rule 22*. [And by the 21st *Joint Rule* the resumption of all undisposed of bills, resolutions, and reports, which originated in either house is in like manner provided for. The word "resolutions" in the foregoing rule has been invariably held to apply to "joint resolutions" only. It has also become an invariable practice, near the close of a first session of Congress, for the House to adopt a resolution in the following words: "*Resolved*, That all bills, resolutions, and other papers referred to the standing committees of the House at the first session of this Congress, upon which no reports shall have been made at the time of adjournment, shall be returned informally to the Clerk, and shall, by virtue of this resolution, stand recommended at the commencement of the next session to said committees, into whose possession the Clerk is hereby directed to restore them." In this manner much labor and inconvenience to members as well as the office is avoided.]

Matters not reported on at end of session.

CALLS ON THE PRESIDENT AND DEPARTMENTS.

(See PRESIDENT and EXECUTIVE DEPARTMENTS.)

CALL OF THE HOUSE.

Less than a quorum may be authorized to compel attendance.

By the Constitution of the United States a smaller number than a quorum of each house "may be authorized to compel the attendance of absent members in such

manner and under such penalties as each house may provide.”—*Const.* 1, 5, p. 8.

“Any fifteen members (including the Speaker, if there be one) shall be authorized to compel the attendance of absent members.”—*Rule* 65. But where less than that number are present a motion for a call cannot be entertained.—*Journal* 1, 28, p. 885.

“Prior to the seconding of a motion for the previous question a call of the House shall be in order; but after a majority shall have seconded such motion no call shall be in order prior to a decision of the main question.”—

Rule 50. [The latter branch of this rule is enforced so strictly that a call of the House is never tolerated after the previous question is seconded, even though no quorum should be present. But where the House adjourns after seconding the previous question, a call of the House may be moved the next morning before the journal is read, if no quorum be then present.—*Journal* 1, 34, p. 1253. And motions for a call of the House, in the absence of a quorum, before the reading of the journal, are very common.]

Upon the call of the House, the names of the members shall be called over (alphabetically—*Rule* 62) by the Clerk, and the absentees noted. After which the names of the absentees shall again be called over. The doors shall then be shut, and those for whom no excuse or insufficient excuses are made may, by order of those present, if fifteen in number, be taken into custody as they appear, or may be sent for and taken into custody wherever to be found, by special messengers to be appointed for that purpose.”—*Rule* 63.

[The order of arrest is not usually made by the House unless a quorum cannot otherwise be obtained; and upon the appearance of a quorum, a motion is usually made and carried that “all further proceedings in the call be dispensed with;” and this motion is held to be in order at any period of the proceedings. The order for arrest is usually in this form, viz: “that the Sergeant-at-Arms take into custody, and bring to the bar of the House, such of its members as are now absent without the leave of the

Fifteen members authorized to compel attendance, but not less.

In order prior to second of previous question, but not after.

Unless before the journal is read, when no quorum is present.

Proceedings in case of.

Roll to be called twice.

Doors shut.

Excuses received.

Order for arrest of absentees, &c.

Order of arrest, when made, usually

Call may be dispensed with at any time.

Form of order of arrest.

- Issue of warrant.** House;" and, upon its adoption, a warrant, under the hand and seal of the Speaker, and attested by the Clerk, with a list of the absentees thereto attached, is immediately placed in the hands of the Sergeant-at-Arms. Upon his appearance with members under arrest, he is announced at the bar of the House by the Doorkeeper, whereupon he makes his return. The members brought in by him are then severally arraigned by the Speaker and interrogated by him as to what excuses they may have to offer for being absent from the sitting of the House without its leave.]
- Return of warrant.**
- Arraignment of absent members.**
- House to determine as to payment of fees.** "When a member shall be discharged from custody and admitted to his seat, the House shall determine whether such discharge shall be with or without paying fees; and in like manner, whether a delinquent member, taken into custody by a special messenger, shall or shall not be liable to defray the expense of such special messenger."—*Rule 64*. In regard to the fees of Sergeant-at-Arms and special messenger, see SERGEANT-AT-ARMS.
- Fees against delinquent members.**
- Recess not in order during.** It is not in order for the House to take a recess during a call of the House.—*Journal*, 1, 26, p. 843. [Indeed, no motion, except to adjourn or with reference to the call, is ever entertained during a call; and, by an adjournment, all proceedings in the call are terminated.]
- Only to adjourn or with reference to call.**

CAPITOL.

- Speaker has control over hall and other rooms.** "The unappropriated rooms in that part of the Capitol assigned to the House shall be subject to the order and disposal of the Speaker until the further order of the House."—*Rule 147*. The Speaker shall also "have a general direction of the hall."—*Rule 6*. And "no person shall be permitted to perform divine service in the chamber occupied by the House of Representatives unless with the consent of the Speaker."—*Rule 140*.
- Spirituos prohibited grounds.** **Liquors in, or** "No spirituous liquors shall be offered for sale or exhibited within the Capitol, or on the public grounds adjacent thereto."—*Joint Rule 19*.

By the act of Congress of May 2, 1828, *Stat. at Large*, Vol. IV, page 266, the Commissioner of Public Buildings is directed to take charge of and superintend the

public buildings : “And it shall be the duty of the Commissioner of the Public Buildings to obey such rules and regulations as may, from time to time, be prescribed, jointly, by the presiding officers of the two houses of Congress, for the care, preservation, orderly keeping, and police of all such portions of the Capitol, its appurtenances, and the enclosures about it, and the public buildings and property in its immediate vicinity as are not in the exclusive use and occupation of either house of Congress; that it shall also be his duty to obey such rules and regulations as may be, from time to time, prescribed by the presiding officer of either house of Congress for the care, preservation, orderly keeping, and police of those portions of the Capitol and its appurtenances which are in the exclusive use and occupation of either house of Congress respectively.”—(See SPEAKER.)

The Vice President and the Speaker to prescribe rules for keeping, and grounds not in exclusive occupancy of either house.

Speaker to control the keeping of that part of, in the use of the House.

CHAIR.

“The Speaker shall have a right to name any member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment.”—*Rule 6.*

Speaker may name person to fill, for the day.

(See SPEAKER PRO TEMPORE.)

CHAIRMAN OF A STANDING COMMITTEE.

(See COMMITTEES.)

CHAIRMAN OF COMMITTEE OF THE WHOLE.

A chairman, to preside in Committee of the Whole, shall be appointed by the Speaker.—*Rule 125.*

Appointed by the Speaker.

The chairman of the Committee of the Whole shall have power to order the galleries or lobby to be cleared in case of any disturbance or disorderly conduct therein.—*Rule 16.*

May cause galleries to be cleared.

(See also COMMITTEES OF THE WHOLE.)

CHARGE UPON THE PEOPLE.

“No motion or proposition for a tax or charge upon the people shall be discussed the day on which it is made or offered; and every such proposition shall receive its

No proposition for, to be discussed on the day made, and must be committed.

first discussion in a Committee of the Whole House.”—*Rule 131.*

CHAPLAINS.

Election of chaplains dispensed with.

The practice, which had prevailed for several years, of the election by each house of a chaplain, who should open their daily sessions with prayer, alternating weekly between the House and Senate, ceased with the 34th Congress. At the 1st session of the 35th Congress a resolution was adopted by the House which directed “that the daily sessions of that body be opened with prayer, and requesting the ministers of the Gospel in this city to attend and alternately perform this solemn duty.”—*Journal*, 1, 35, p. 58. The clergymen of Washington generally responded to this request, and for the remainder of the Congress performed the duty of chaplains.

Clergymen generally invited to act.

CLAIM AGENTS.

House employés shall not be.

“No person shall be an officer of the House, or continue in its employment, who shall be an agent for the prosecution of any claim against the government, or be interested in such claim otherwise than an original claimant.”—*Rule 150.*

Stenographers and reporters also prohibited from being.

“No stenographer or reporter shall be admitted to the reporters’ gallery, or, if admitted, be suffered to retain his seat if he shall be or become an agent to prosecute any claim pending before Congress.”—*Rule 18.*

Members and employés prohibited by law from acting as.

Members of Congress are prohibited from acting as claim agents for compensation paid or to be paid; and officers and employés of the House are prohibited from acting as claim agents either with or without compensation, under the penalty, in either case, of a fine not exceeding five thousand dollars, or imprisonment in the penitentiary not exceeding one year, or both in the discretion of the court.—*Stat. at Large*, Vol. X, p. 170.

CLAIMS, COMMITTEE OF.

When to be appointed, and of what number.

A Committee of Claims, to consist of nine members, shall be appointed at the commencement of each session.—*Rule 76.*

“It shall be the duty of the Committee of Claims to Duties of. take into consideration all such petitions and matters or things touching claims and demands on the United States as shall be presented, or shall or may come in question, and be referred to them by the House, and to report their opinion thereupon, together with such propositions for relief therein as to them shall seem expedient.”—*Rule 82.*

“The bills, and their accompanying reports, from the Bills from Court of Claims to be referred to. Court of Claims shall be referred by the Clerk of the House to the Committee of Claims; and it shall be in Reports from, on business of Court of Claims, first in order every Friday. order every Friday morning, immediately after the reading of the journal, for the Committee of Claims to report with reference to business from the Court of Claims. The bills reported to be printed and placed on the private calendar.”—*Rule 154.*

The Committee of Claims is authorized, by resolution Authorized to employ a clerk. of February 18, 1843, to employ a clerk.—*Journal*, 3, 27, p. 399.

CLAIMS, COURT OF.

“The Court of Claims shall keep a record of their When report to be made. proceedings, and shall, at the commencement of each session of Congress, and at the commencement of each month during the session of Congress, report to Congress the cases upon which they shall have finally acted, stating in each the material facts which they find established by the evidence, with their opinion in the case, and the reasons upon which such opinion is founded. Any judge who may dissent from the opinion of the majority shall append his reasons for such dissent to the Dissenting opinions. report; and such report, together with the briefs of the solicitor and of the claimant, which shall accompany the report, upon being made to either house of Congress, shall be printed in the same manner as other public documents. And said court shall prepare a bill or bills in Court to prepare their bills. those cases which have received the favorable decision thereof, in such form as, if enacted, will carry the same into effect. And two or more cases may be embraced in the same bill, where the separate amount proposed to be

Testimony to be reported. allowed in each case shall be less than one thousand dollars. And the said court shall transmit with the said reports the testimony in each case, whether the same shall receive the favorable or adverse action of said court.

Reports and bills to be continued from session to session and Congress to Congress. "The said reports, and the bills reported as aforesaid, shall, if not finally acted upon during the session of Congress to which the said reports are made, be continued from session to session, and from Congress to Congress, until they shall be finally acted upon ; and the consideration of said reports and bills shall, at the subsequent session of Congress, be resumed, and the said reports and bills be proceeded with in the same manner as though finally acted upon at the session when presented.

Adverse reports. "The claims reported upon adversely shall be placed upon the calendar when reported, and if the decision of said court shall be confirmed by Congress, said decision shall be conclusive, and the said court shall not at any subsequent period consider said claims, unless such reasons shall be presented to said court as, by the rules of common law or chancery in suits between individuals, would furnish sufficient ground for granting a new trial." *Stat. at Large, Vol. X, pp. 613, 614.*

Removal of clerks to be reported. The said court is required to make report in case of the removal of its clerks, with the cause of such removal, to Congress, if in session, or at the next session of Congress.—*Ibid., p. 614.*

Transmission of papers to. The Clerk of the House is directed "to transmit to said court, on the application of the clerk of said court, the papers in his office in any case that is now or may be hereafter pending in said court, taking a receipt therefor."—*Journal, 1, 34, p. 583.*

Withdrawal of papers from. "The papers in all cases heretofore referred by this House to the Court of Claims, arising under contract or departmental decision, may be withdrawn from said court upon the order of the Clerk of the House, to be given upon the application therefor of any member to him, with the assent of the claimant ; and when said papers are received by the Clerk they shall be held by the Clerk the same as if never referred."—*Journal, 1, 34, p. 614.*

"All petitions for pensions, heretofore referred to the Court of Claims, may be withdrawn and referred to their appropriate committees in the House."—*Journal*, 1, 34, p. 631.

Pension papers may be withdrawn

[Ordinarily, except in the foregoing cases, papers are referred to or withdrawn from the Court of Claims on motion in the House; and, except in the case of the reference of a matter then before the House, the motion can only be made by unanimous consent, or at such time as resolutions are in order under the rules.]

How papers are ordinarily withdrawn from and referred to.

"The bills and their accompanying reports from the Court of Claims shall be referred by the Clerk of the House to the Committee of Claims; and it shall be in order every Friday morning, immediately after the reading of the journal, for the Committee of Claims to report with reference to business from the Court of Claims. The bills reported to be printed and placed on the private calendar."—*Rule* 154.

Bills to be referred to Committee of Claims.

Said committee may report every Friday morning.

Bills to be printed and placed on the calendar.

When bills and reports from said court, reported to the House, are left undisposed of at the end of a Congress, at the beginning of the next Congress the bills shall be again read twice and referred, and the adverse reports restored to the private calendar.—*Journal*, 1, 34, pp. 134, 135. [And when bills from said court shall have passed the Senate and remain undisposed of in the House at the end of a Congress, they shall be returned to the Senate.]

Bills and reports undisposed of at the end of a Congress.

CLERK OF THE HOUSE.

There is no law, resolution, rule, or order, directing the appointment of a Clerk of the House of Representatives. But on the first day that a quorum assembled under the new Constitution the House elected a Clerk, and one has been elected at the commencement of every Congress since. The act of June 1, 1789, provides that at the first session of Congress after every general election of representatives, the oath or affirmation therein prescribed "shall be administered by any one member of the House of Representatives to the Speaker; and by him to all the members present, and to the Clerk, pre-

First election of a Clerk.

vious to entering on any other business." And in the case of a vacancy which occurred in the office of Clerk during the 31st Congress, (see *Journal*, 1, 31, p. 789,) it was decided that the House could take no action upon, nor transact any other business until a Clerk was elected.

The following is the oath of office prescribed for the Clerk by the 21st rule and the act of June 1, 1789, viz:

Oath of office.

"I do solemnly swear (or affirm) that I will support the Constitution of the United States, and that I will truly and faithfully discharge the duties of Clerk of the House of Representatives to the best of my knowledge and abilities."

Mode of election.

In the election of a Clerk there shall be a previous nomination—*Rule 13*; and the vote shall be taken *viva voce*.—*Rule 14*. A majority of the votes given shall be necessary to an election; and where there shall not be such a majority on the first ballot, the ballot shall be repeated until a majority be obtained. And in all ballotings blanks shall be rejected, and not taken into the count in enumeration of votes, or reported by the tellers.—*Rule 11*.

Rules not adopted until after the election of a Clerk.

[As the rules are never adopted until after the election of a Clerk, of course those just recited only apply in cases of elections to fill vacancies occurring subsequent to the regular election. Ordinarily, however, the same mode of election is pursued as that above indicated, although it sometimes happens that the Clerk is elected by resolution.

Tellers appointed by the Speaker.

Before proceeding to the election of a Clerk, (unless it be by resolution,) the Speaker appoints four tellers to keep and make report of the vote.—See ELECTIONS BY THE HOUSE.]

Enters upon his duties as soon as he takes oath.

[As soon as the Speaker has declared a person elected Clerk, the oath of office is administered to him, and he enters upon the duties of the same.] By the act of February 23, 1815, (*Stat. at Large*, Vol. III, p. 212,) it is made the duty of the Clerk, within thirty days after he enters upon the duties of his office, to give bond to the United States, with one or more sureties, to be approved by the Comptroller of the Treasury, in the penal sum of

Gives bond.

twenty thousand dollars, with condition for the faithful application and disbursement of the contingent fund of the House.

The Clerk shall be deemed to continue in office until another be appointed.—*Rule 21.* Continues in office until his successor is appointed.

[At the commencement of a new Congress, and prior to the election of a Speaker, questions are put by the Clerk of the last House.—See MEETING OF CONGRESS.] Puts questions before the election of Speaker.

All contracts, bargains, or agreements, relative to the furnishing any matter or thing, or for the performance of any labor for the House of Representatives, must be made with the Clerk, or approved by him, before any allowance shall be made therefor by the Committee of Accounts.—*Rule 152.* And in making purchases for the House he is required to confine his purchases exclusively to articles of the growth and manufacture of the United States, provided the same can be procured on as good terms and of as suitable quality as foreign articles.—*Stat. at Large, vol. V, p. 681.* Contracts, &c., to be approved by him. Purchases to be of home production.

The Clerk is required by law (*Stat. at Large, vol. V, pp. 25, 527*) to lay before the House, at the commencement of each session, a full and detailed statement of the expenditure of the contingent fund of the House; also (*Stat. at Large, vol. V, p. 525*) a statement of the clerks and other persons employed in the service of the House during the preceding year. He is also required by a resolution of the House (*Journal, 1, 27, p. 495*) to report, at the commencement of each session, the quantity and cost of all the stationery used by the House and the Clerk's office. He shall, also, as soon as may be, after the close of each session of Congress, prepare and publish a statement of all appropriations made during the session; and also a statement of the new officers created and the salaries of each, and also a statement of the offices the salaries of which are increased, and the amount of such increase.—*Stat. at Large, vol. V, p. 117.* He shall furnish a statement of contingent expenses. Also statement of persons employed in service of the House. Also, statement of stationery. Also, statement of appropriations, new offices, &c.

He shall, on application, certify extracts from the journals of the House of Representatives, and for such copies shall receive the same fees as are allowed by law to the Shall certify extracts from journal. Fees.

Secretary of State for similar services.—*Stat. at Large, vol. IX, p. 80.*

Franking privilege. He may receive and send all letters and packages, not weighing over two ounces, free of postage, and frank all documents and books that may be published, purchased, or procured by order of Congress, during his term of office.—*Stat. at Large, vol. IX, p. 148.*

May use books in Congress. Library. He may, with permission of the President of the Senate and Speaker of the House, have the use of the books in the Congressional Library, upon the same conditions as members of Congress.—*Stat. at Large, vol. IV, p. 429.*

Shall advertise for proposals for stationery. He shall advertise for proposals for furnishing stationery for the use of the House of Representatives.—*Stat. at Large, vol. V, pp. 526, 527.*—(See STATIONERY.)

The following duties are imposed upon the Clerk by the *rules* of the House, viz:

Attests writs. He shall attest all writs, warrants, and subpœnas issued by order of the House.—*Rule 15.*

Enter petitions. He shall enter upon the journal, subject to the control and direction of the Speaker, such petitions and memorials as may be handed to him by members for reference.—*Rule 24.*

Delivers calls upon the President and heads of departments. He shall cause to be delivered all propositions adopted by the House, requesting information from the President, or directing it to be furnished by the heads of departments.—*Rule 61.* [His practice is to deliver in person all calls upon the President, and to transmit calls upon the departments by a messenger or through the mail.]

Shall refer maps, &c., to Committee on Engraving. He shall refer all drawings, maps, charts, or other papers, which may at any time come before the House for engraving, lithographing, or publishing in any way, to the Committee on Engraving.—*Rule 104.*

Shall prepare list of reports to be made by officers of government. He shall prepare and cause to be delivered to each member, at the commencement of every session of Congress, a list of the reports which it is the duty of any officer or department of the government to make to Congress.—*Rule 109.*

Shall send copies of the journal to States. He shall, at the end of each session, send a printed copy of the journals of the House to the executive, and to each branch of the legislature of every State.—*Rule 110.*

He shall note all questions of order, with the decision, and put them together at the end of the journal of every session.—*Rule 111.*

Shall put decisions of questions of order at end of journal.

He shall enter upon the journal notices of bills which may be handed in by members.—*Rule 114.*

Shall enter notices of bills.

He shall certify a bill that has passed, noting the day of its passage at the foot thereof.—*Rule 123.*

Shall certify bills which pass.

He shall sign all House bills which have passed the House.—*Joint Rule 5.*

Shall sign all House bills which pass.

He shall enrol on parchment all House bills which shall have passed both houses.—*Joint Rule 6.* And shall certify on the back of the roll that the bill originated in the House of Representatives.—*Joint Rule 9.* And all orders, resolutions, and votes which are to be presented to the President for his approbation, shall also, in the same manner, be previously enrolled, examined, and signed.—*Joint Rule 10.*

Shall enrol and certify House bills, &c., which pass both houses.

He shall enter on a separate paper all amendments adopted in Committee of the Whole to a bill or report.—*Rules 127, 129.* [The 127th rule refers to manuscript bills, having been adopted prior to the practice of printing bills.]

Entry of amendments in committee.

He shall, within thirty days after the close of each session of Congress, cause to be completed the printing and primary distribution, to members and delegates, of the journal of the House, together with an accurate index to the same.—*Rule 142.*

Shall distribute journal and index to members within thirty days after adjournment.

He shall retain in the library of his office, for the use of the members there, two copies of all the books and printed documents deposited in the library.—*Rule 143.*

Shall retain in library two copies of all public documents.

He shall have preserved for each member of the House an extra copy, in good binding, of all the documents printed by order of either house at each session.—*Rule 144.*

Shall preserve one bound copy of all documents for each member.

He shall make a weekly statement of the resolutions and bills upon the Speaker's table.—*Rule 145.* [This statement is printed and placed upon each member's table every Monday morning. There is, in like manner, placed upon their tables, every Friday morning, a statement of all the bills and resolutions upon the calendar,

Shall make weekly statement of business on Speaker's table.

Weekly statement of bills, &c., on calendar also prepared.

designating whether in Committee of the Whole House or of the Whole House on the state of the Union.]

He numbers the sections of bills.

The number prefixed to the section of a bill, being merely a marginal indication, and no part of the text of the bill, the Clerk regulates that.—*Manual* p. 107. [He

And also bills and joint resolutions.

also gives numbers to the bills and joint resolutions as they are introduced or reported.]

Messages (between the two houses) shall be sent by such persons as a sense of propriety in each house may determine to be proper.—*Joint Rule* 4. [All messages from the House to the Senate are conveyed by the Clerk or one of his assistants.]

He conveys messages to the Senate.

Other duties of Clerk.

In addition to the foregoing, there are various other duties appertaining to the office of Clerk, under the usage and practice of the House, which are discharged by himself and his appointees.

Disburses contingent fund.

He disburses the contingent fund of the House, keeping accounts with the treasury of the United States of the various items of appropriation for that object. He also disburses the salary fund of the various officers and employés of the House.

Pays salaries.

Keeps journal.

He keeps the minutes of proceedings in the House, and makes out, subject to the control of the Speaker, the journal of said proceedings, in readiness for the same to be read at the next meeting of the House. He also prepares the index to the journal at the end of each session.

Keeps minutes of Committees of the Whole.

He keeps the minutes of proceedings in Committees of the Whole; records all votes taken by yeas and nays, and prepares copies of the same for the printer of the journal.

Reads.

He reads all messages, bills, and other papers required by the House to be read, and calls the roll of members.

Keeps the files.

He keeps the files of the House, preserving all petitions and other papers belonging to its archives, arranged alphabetically, and under the head of the Congress at which they were last acted upon.

Keeps bill book.

He keeps a book in which are entered, numerically, the titles of all bills and joint resolutions; opposite which are entered, as they occur, all proceedings of the House thereon; also all proceedings of the Senate as they are reported to the House.

He places appropriate endorsements upon all papers presented in the House, and after entering the same in books kept for the purpose, sends to the Superintendent of Public Printing all such as are ordered to be printed, and to the appropriate committee such as are referred without printing.

Papers ordered to be printed, &c., endorsed, &c.

He engrosses upon paper all bills, joint resolutions, and resolutions of the House, and amendments of the House to Senate bills and joint resolutions which pass the House of Representatives, certifying the date of the passage of the same at the foot thereof.

Engrosses bills and resolutions.

He enrolls upon parchment all House bills and joint resolutions which have passed both houses, certifying upon the back that the same originated in the House, and then delivers them to the Committee on Enrolled Bills.

Enrolls bills and resolutions.

He journalizes all petitions and other papers handed to him under the 24th *rule*, and having endorsed them appropriately, takes them to the rooms of the proper committees and there enters them in the committee books. He also keeps what is called the "petition book," in which is entered, alphabetically, each petition as presented, and the further action of the House thereon as it occurs.

Petitions referred under rule.

He keeps what is called the "newspaper book," in which is entered the accounts of members under the newspaper resolution, and orders from the publishers such newspapers or periodicals as may be directed.

Newspapers.

He contracts for and furnishes to members all books voted to them by the House, and keeps the accounts of the members for the same.

Books.

He distributes to members, governors, State legislatures, &c., all public documents (other than extra numbers) required by law, rule, or resolution to be distributed.

Public documents.

He keeps the stationery purchased for the use of the House, and furnishes the postmaster with such as he may from time to time call for for distribution to the members.

Stationery.

He keeps the library of the House, in which are kept copies of all documents printed by order of either house.

Library.

CLERKS OF COMMITTEES.

Not to be employed
without leave.

Committees which
have leave.

"No committee shall be permitted to employ a clerk at the public expense without first obtaining leave of the House for that purpose."—*Rule 149.* [Such leave is usually granted to a portion of the committees, for a part or the whole of the session, as they may deem the service necessary; and two of the committees have permanent clerks, viz: of Claims, by resolution of February 18, 1843, and of Ways and Means, by resolution of February 18, 1856.]

COMMERCE, COMMITTEE ON.

When appointed,
and of what num-
ber.

There shall be appointed, at the commencement of each session, a Committee on Commerce, to consist of nine members.—*Rule 76.*

Duties of.

"It shall be the duty of the Committee on Commerce to take into consideration all such petitions and matters or things touching the commerce of the United States as shall be presented, or shall or may come into question, and be referred to them by the House, and to report, from time to time, their opinion thereon."—*Rule 83.*

[This committee was originally a Committee on Commerce *and Manufactures*. On the 8th December, 1819, a separate Committee on Manufactures was constituted, and the duties of the original Committee on Commerce and Manufactures have been confirmed, as above, by leaving out the words "*and Manufactures*." There are no duties assigned in the rules to the Committee on Manufactures.]

COMMIT, MOTION TO.

When it may be
received.

"When a question is under debate, no motion shall be received but to adjourn, to lie on the table, for the previous question, to postpone to a day certain, to *commit*

Precedence with
reference to other
motions.

or amend, to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged; and no motion to commit, or to postpone indefinitely, being decided, shall be again allowed on the same day, and at the same stage of the bill or proposition."—*Rule 46.* [When any one of the foregoing motions is

Not to be repeated
same day and stage
of bill.

received, the practice is not to receive one of lower dignity until the former is disposed of.]

"When a resolution shall be offered, or a motion made to refer any subject, and different committees shall be proposed, the question shall be taken in the following order: the Committee of the Whole House on the state of the Union; the Committee of the Whole House; a standing committee; a select committee."—*Rule 47.*

Where different committees are proposed.

A motion to commit may be amended by the addition of instructions.—*Journals passim.*

May be amended.

"Upon the second reading of a bill, the Speaker shall state it as ready for commitment."—*Rule 117.*

A bill when ready for commitment.

After the previous question is ordered, the House is brought *first* "to a direct vote on the motion to commit, if such motion shall have been made."—*Rule 50.*

Effect of previous question upon motion to commit.

"Motions and reports may be committed at the pleasure of the House."—*Rule 54.*

Motions and reports may be committed.

[When the House, by going into Committee of the Whole, adjournment, &c., parts from the consideration of a bill or resolution pending a motion to commit, according to the well settled practice, such bill or resolution is the business first in order when that class of business is resumed—*e. g.*, if, pending a motion to commit a bill or resolution reported from a committee, and then being considered as a report from a committee, the House should adjourn, such bill or resolution is first in order when reports are called.]

Effect of pendency of, in case of adjournment, &c.

COMMITTEES.

Twenty-eight standing committees shall be appointed at the commencement of each session, viz: Of Elections, of Ways and Means, of Claims, on Commerce, on the Public Lands, on the Post Office and Post Roads, for the District of Columbia, on the Judiciary, on Revolutionary Claims, on Public Expenditures, on Private Land Claims, on Manufactures, on Agriculture, on Indian Affairs, on Military Affairs, on the Militia, on Naval Affairs, on Foreign Affairs, on the Territories, on Revolutionary Pensions, on Invalid Pensions, on Roads and Canals—to consist of *nine members each*—on Patents, on Public Buildings and Grounds, of Revisal and Unfinished Business, of Accounts,

Standing committees to be appoint'd at the commencement of each session.

on Mileage—to consist of five members each—on Engraving—to consist of three members.—Rule 76.

Joint committees to be appointed at the commencement of each session.

There shall be a joint committee on *Enrolled Bills*, to consist of two members of each House, (*Joint Rule 7*;) there shall be a joint committee on the *Library of Congress*, to consist of three members of each house, (*Joint Rule 20*;) there shall be a joint committee on the *Public Printing*, to consist of three members of each house, (*Stat. at Large, vol. X, p. 34.*) [The rules do not designate for what period the joint committees shall be appointed, but the practice is for the Speaker to appoint them at the commencement of each session.]

Standing committees to be appointed for the entire Congress.

There shall be appointed, at the commencement of the first session in each Congress, six additional standing committees, whose duties shall continue until the first session of the ensuing Congress, viz: *On Expenditures in the Department of State, on Expenditures in the Treasury Department, on expenditures in the War Department, on Expenditures in the Post Office Department, on Expenditures in the Navy Department, on Expenditures on the Public Buildings*, to consist of five members each.—Rule 105.

Duties of the committees.

For the duties of the several committees, see under their respective names.

Committees, how appointed.

“All committees shall be appointed by the Speaker, unless otherwise specially directed by the House, in which case they shall be appointed by ballot; and if upon such ballot the number required shall not be elected by a majority of the votes given, the House shall proceed to a second ballot, in which a plurality of votes shall prevail; and in case a greater number than is required to compose or complete a committee shall have an equal number of votes, the House shall proceed to a further ballot or ballots.”—Rule 7. [The latter mode of appointing committees is, of late years, never resorted to; but the practice is to adopt an order, at the beginning of each session, “that the Speaker be authorized to appoint the regular standing committees.” And after adopting such order, it is usual for the House to adjourn over for two or three days to enable him to make the appointments.]

Who shall be chairman of a committee.

“The first named member of any committee shall be the chairman; and in his absence, or being excused by

the House, the next named member, and so on, as often as the case shall happen, unless the committee, by a majority of their number, elect a chairman."—*Rule 8.*

"Any member may excuse himself from serving on any committee at the time of his appointment, if he is then a member of two other committees."—*Rule 9.* [And under the practice, it is sufficient for him to offer such an excuse at any subsequent period of the session.]

Who may be excused from serving on a committee.

"It shall be the duty of a committee to meet on the call of any two of its members, if the chairman be absent, or decline to appoint such meeting."—*Rule 10.*

Who shall call a meeting of a committee.

"No committee shall sit during the sitting of the House without special leave."—*Rule 108.* And "so soon as the House sits, and a committee is notified of it, the chairman is in duty bound to rise instantly, and the members to attend the service of the House."—*Manual, p. 66.* [But upon the suggestion to the House by a member of a committee that it is important to the despatch of public business that they should have such leave, it is usually granted, especially near the close of a session.]

Committees shall not sit while House is sitting, without leave.

"Committees may be appointed to sit during a recess by adjournment, but not by prorogation. Neither house can continue any portion of itself in any parliamentary function beyond the end of the session without the consent of the other two branches. When done, it is by a bill constituting them commissioners for the particular purpose."—*Manual, p. 132.* [This has been construed (and, in view of the distinction which exists between a "session" of Parliament and of Congress, very properly so) not to restrain a committee of the House, with the leave of the House, from sitting during the recess between a first and second session of Congress.]—(See *Journal, 1, 32, p. 1119.*)

Committees sitting during recess.

"No committee shall be permitted to employ a clerk at the public expense without first obtaining leave of the House for that purpose."—*Rule 149.* [Such leave is usually granted to a portion of the committees for a part or the whole of the session, as they may deem the service necessary; and two of the committees have permanent clerks, viz: of Claims, by resolution of February 18, 1843,

Clerks of committees.

and of Ways and Means, by resolution of February 18, 1856.]

Precedence of different motions to refer.

“When a resolution shall be offered, or a motion made to refer any subject, and different committees shall be proposed, the question shall be taken in the following order: the Committee of the Whole House on the state of the Union; the Committee of the Whole House; a standing committee; a select committee.—*Rule 47.* [But where more than one standing committee is proposed, the last one proposed is first voted upon, as an amendment to strike out and insert.]

Precedence of motion to commit over other motions, and of others over it.

“When a question is under debate, no motion shall be received but to adjourn, to lie on the table, for the previous question, to postpone to a day certain, to *commit* or amend, to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged; and no motion to postpone to a day certain, to *commit*, or to postpone indefinitely, being decided, shall be again allowed on the same day, and at the same stage of the bill or proposition.”—*Rule 46.*

A bill, when ready for commitment.

“Upon the second reading of a bill, the Speaker shall state it as ready for commitment.”—*Rule 117.*

Previous question brings the House to vote first on motion to commit.

“After the previous question is ordered, the House is first brought to a direct vote on the motion to *commit*, if such motion shall have been made.”—*Rule 50.*

Committee can only act when met together.

“A committee meet when and where they please, if the House has not ordered time and place for them; but they can only act when together, and not by separate consultation and consent, nothing being the report of a committee but what has been agreed to in committee actually assembled.”—*Manual p. 85.*

A quorum of a committee.

Not necessary that committee be full.

Nor that every member was notified of an adjourned meeting.

“A majority of the committee constitutes a quorum for business.”—*Manual p. 85.* But it is not necessary that the committee shall be full when a paper is acted upon.—*Journal, 1, 34, p. 1143.* Nor is it even necessary that every member shall have been notified of an adjourned meeting, if it shall appear that at such meeting a quorum was present, and that a majority of such quorum authorized a report to be made.—*Same Journal, pp. 1433, 1434.*

"A committee cannot receive a petition but through the House."—*Manual*, p. 66. Members having petitions and memorials to present may hand them to the Clerk, endorsing the same with their names, and the reference or disposition to be made thereof; and such petitions and memorials shall be entered on the journal, subject to the control and direction of the Speaker."—*Rule* 24. [This is the only mode of presenting a petition for reference now recognized by the rules. The rule, however, is construed to authorize the withdrawal of old papers from the files for the purpose of reference to the appropriate committee. And, in this connexion, it may not be improper to call attention to the phraseology of this rule, which requires that the *name of the member* and *that of the committee* shall be endorsed upon the paper to be referred. Petitions, how to be referred to committees. Members should endorse the papers referred by them. In order to secure its appearance *in the daily newspapers*, Newspapers to be furnished with a memorandum. members should furnish a memorandum of the contents and reference of the same to the reporters.]

"The Clerk may deliver the bill to any member of the committee, but it is usual to deliver it to him who is first named."—*Manual*, p. 84. [In the House of Representatives the long settled practice has been, where the committee have a regular place of meeting, as is the case with all the standing committees, for the Clerk to take down to the committee room and deposit there all matters referred to said committee, and make an entry of the same in the docket of the committee; and when they have no committee room, as is the case with some of the select committees, to deliver the matter referred to the chairman.] Matters referred, how delivered to the committee.

It is not competent for the House to instruct a committee to amend a bill in a manner that the House itself cannot amend it.—*Journal*, 2, 35, p. 389. [Indeed, it is the well settled practice that the House cannot instruct a committee to do what the House itself cannot do.] Not competent to instruct committee to do what House itself cannot do.

A division of the question is not in order on a motion to commit or recommit with instructions, or on the different branches of instructions.—*Journals*, 1, 17, p. 507; 1, 31, pp. 1395, 1397; and 1, 32, p. 611. To commit with instructions not divisible.

How amendments
are to be noted by
a committee.

“The committee may not erase, interline, or blot the bill itself, but must, in a paper by itself, set down the amendments, stating the words which are to be inserted or omitted, and where, by reference to the page, line, and word of the bill.”—*Manual*, p. 87.

No reconsideration
of a vote in com-
mittee.

“When a vote is once passed in a committee it cannot be altered but by the House, their votes being binding on themselves.”—*Manual*, p. 87.

Committee cannot
reject a paper.

“If the committee are opposed to the whole paper, and think it cannot be made good by amendments, they cannot reject it, but must report it back to the House without amendments, and there make their opposition.”—*Manual*, p. 86.

Committee cannot
change title or sub-
ject.

“The committee have full power over the bill or other paper, except that they cannot change the title or subject.”—*Manual*, p. 85.

When and in what
order committees
are to report.

“As soon as the journal is read, reports from committees shall be called for and disposed of; in doing which the Speaker shall call upon each standing committee in the following order, viz:

Committee of Elections.

Committee of Ways and Means.

Committee of Claims.

Committee on Commerce.

Committee on the Public Lands.

Committee on the Post Office and Post Roads.

Committee on the District of Columbia.

Committee on the Judiciary.

Committee on Revolutionary Claims.

Committee on Public Expenditures.

Committee on Private Land Claims.

Committee on Manufactures.

Committee on Agriculture.

Committee on Indian Affairs.

Committee on Military Affairs.

Committee on the Militia.

Committee on Naval Affairs.

Committee on Foreign Affairs.

Committee on the Territories.

Committee on Revolutionary Pensions.

Committee on Invalid Pensions.
 Committee on Roads and Canals.
 Committee on Patents.
 Committee on Public Buildings and Grounds.
 Committee of Revisal and Unfinished Business.
 Committee of Accounts.
 Committee on Mileage.
 Committee on Engraving.
 Committee on Printing.
 Committee on Enrolled Bills.
 Committee on the Library of Congress.
 Committee on Expenditures in the State Department.
 Committee on Expenditures in the Treasury Department.
 Committee on Expenditures in the War Department.
 Committee on Expenditures in the Navy Department.
 Committee on Expenditures in the Post Office Department.

Committee on Expenditures on the Public Buildings.

And when all the standing committees shall have been called on, then it shall be the duty of the Speaker to call for reports from *select* committees; if the Speaker shall not get through the call upon the committees before the House passes to other business, he shall resume the call where he left off. *Provided*, that whenever any committee shall have occupied the morning hour on two days, it shall not be in order for such committee *to report further* until the other committee shall have been called in their turn."—*Rule 23*. [But this proviso does not restrain the House from occupying the morning hour on more than two days in the *consideration of a report*.]

Call of, to be resumed where left off.

After occupying morning hours on two days; not to report further.

[The call for reports as provided for by this rule is liable to be interfered with by "special orders," "questions of privilege," and "privileged questions," also by the "call of States for resolutions," which, by *Rule 26*, is in order every alternate Monday, and "motions to suspend the rules," which, by *Rule 137*, may be submitted every Monday. So, too, by *Rules 29* and *154*, the call of committees is limited on *Fridays and Saturdays* to "business of a private nature." The call for reports is sometimes

Call of committees for reports, how interfered with.

postponed by reason of the pendency of a proposition at the last preceding adjournment upon which the previous question was seconded.]

Bills from Court of Claims, how referred and when reported on.

"The bills and accompanying reports from the Court of Claims shall be referred by the Clerk of the House to the Committee of Claims; and it shall be in order every Friday morning, immediately after the reading of the journal, for the Committee of Claims to report with reference to business from the Court of Claims. The bills reported to be printed and placed on the private calendar."—*Rule 154.*

What committees report at any time.

"It shall be in order for the Committee on Enrolled Bills and the Committee on Printing to report at any time—*Rules 138 and 153*—and for the Committee on Engraving to report at all times."—*Rule 104.*

Right to report carries right to consider.

"A committee having leave to report at all times may report in part at different times."—*Journal, 1, 27, p. 104.*

The right to report at any time carries with it the right to consider the matter when reported.—*Journal, 1, 32, p. 195.* And where authority is given to a committee to make a report at a particular time, the right follows to consider the report when made.—*Journal, 1, 32, p. 1409.*

Have leave to report by bill or otherwise.

"The several standing committees of the House shall have leave to report by bill or otherwise."—*Rule 107.*

Committee cannot report on a subject not referred by the rules or otherwise.

It is not competent for a committee to report a bill where the subject-matter has not been referred to them by the House, by the rules, or otherwise.—*Journal, 1, 31, p. 590.*

Bill may be reported with a recommendation that it do not pass.

A bill may be reported with a recommendation that it do *not* pass, if based upon a paper regularly referred.—*Journal, 1, 32, p. 785.*

Select committee, how dissolved and revived.

"The report being made, the committee is dissolved, and can act no more without a new power. But it may be revived by a vote, and the same matter recommitted to them.—*Manual, p. 88.* [This evidently refers to a *select committee*, and, under the practice of the House, a motion to recommit decided affirmatively has the effect of reviving the committee.]

Dispute as to whether committee have ordered report.

If it is disputed that a report has been ordered in by a committee, the question of reception must be put to the House.—*Journal, 2, 27, p. 1410.*

A minority of a committee cannot make a report, a minority not being the committee.—*Journal*, 1, 24, p. 562. Minority cannot make a report.

[The common practice, however, is to permit the minority to submit their *views in writing*, which are usually printed and considered with the majority report.]

The chairman of a committee submitting a report has a right to read it.—*Journal*, 2, 27, p. 409. Chairman may read report.

"A member reporting the measure under consideration from a committee may open and close the debate"—*Rule* 34; and, under the invariable practice, he is entitled to be recognized, notwithstanding another member may have risen first and addressed the chair—*Journal*, 3, 27, p. 211; and his right to close the debate is never denied him, even after the previous question is ordered, or debate has been closed.—*Journal*, 1, 31, p. 1056. Right of member reporting to debate.

"The proceedings of a committee are not to be published, as they are of no force till confirmed by the House."—*Manual*, p. 66. Proceedings of committee not to be published.

It is not in order to allude on the floor to anything that has taken place in committee, unless by a written report sanctioned by a majority of the committee.—*Journals*, 1, 26, p. 418; 1, 31, p. 393. Reference to proceedings in committee not in order.

"After commitment and report thereof to the House, or at any time before its passage, a bill may be recommitted."—*Rule* 120. But not after the previous question is ordered.—*Journal*, 1, 29, p. 643. Recommitment.

"If a report be recommitted before agreed to in the House, what has passed in committee is of no validity; the whole question is again before the committee, and a new resolution must be again moved, as if nothing had passed."—*Manual*, p. 88. Effect of recommitment.

"Two motions to recommit are not in order at the same stage of a bill."—*Journal*, 1, 20, *April* 11. Repetition of motion to recommit.

[A select committee is created either by resolution, when resolutions are in order, or upon motion to refer, when the subject to be referred is before the House; the number of which it is to consist being designated in the resolution or motion.] Under the parliamentary law—*Manual*, pp. 83, 84—"none who speak directly against the body of the bill" are to be of the committee to which it is referred. The spirit of this law has prevailed in the House so far Select committee, how created and filled.

as that, in the formation of a select committee, in the case of the reference of a bill, a *majority* of the friends of the measure referred, and in the case of an investigation, a majority of those favorable to the proposed investigation, are usually appointed thereon; and the member proposing the select committee is usually appointed the chairman.]

Select committees do not hold over.

Select committees do not hold over to a second or subsequent session after their appointment—*Journal*, 2, 32, p. 207—unless specially authorized to do so.—*Ibid.*, 1, 35, p. 1020.

Administering of oaths by chairman of committees.

A chairman of a select committee, (*Stat. at Large*, vol. I, p. 554,) and a chairman of any standing committee, (*Stat. at Large*, vol. III, p. 345,) shall be empowered to administer oaths or affirmations to witnesses in any case under their examination.

Failure of witness to appear or testify.

Any person summoned as a witness by authority of the House to give testimony or to produce papers upon any matter before the House or any committee thereof, who shall wilfully make default, or who, appearing, shall refuse to answer any question pertinent to the matter of inquiry in consideration before the House or committee by which he shall be examined, shall, in addition to the pains and penalties now existing, be liable to indictment

Duty of Speaker on failure of witness to testify.

as for a misdemeanor. And when a witness shall fail to testify, as above, and the facts shall be reported to the House, it shall be the duty of the Speaker to certify the fact under the seal of the House to the district attorney for the District of Columbia.—*Stat. at Large*, vol. XI, p. 155.—(See also WITNESS.)

COMMITTEES OF THE WHOLE.

Two Committees of the Whole.

[The rules and practice of the House recognize two Committees of the Whole, viz: the Committee of the Whole House on the state of the Union, to which are referred public bills and public business, and the Committee of the Whole House, to which are referred private bills and private business.]

Order of taking questions of commitment.

“When a resolution shall be offered, or a motion made to refer any subject, and different committees shall be proposed, the question shall be taken in the following order:

“The Committee of the Whole House on the state of

the Union; the Committee of the Whole House; a standing committee; a select committee.”—*Rule 47.*

“It shall be a standing order of the day, throughout the session, for the House to resolve itself into a Committee of the Whole House on the state of the Union.—

Rule 124. And “The House may at any time, by a vote of a majority of the members present, suspend the rules and orders for the purpose of going into the Committee of the Whole House on the state of the Union.”—*Rule 136.*

[On Fridays and Saturdays, which, under *Rule 29*, are set apart for the consideration of private business, the motion to go into Committee of the Whole House on the private calendar takes precedence of the motion to go into Committee of the Whole House on the state of the Union, but upon a failure of the former motion the latter motion may be entertained on those days. If the previous question shall have been seconded upon any pending proposition, under the practice it is not in order to entertain the motion to go into Committee of the Whole until it is disposed of.]

It is in order, pending a motion to go to business on the Speaker’s table, to move that the House resolve itself into the Committee of the Whole House on the state of the Union.—*Journal*, 2, 32, pp. 155, 228. “In forming a Committee of the Whole House, the Speaker shall leave his chair, and a chairman to preside in committee shall be appointed by the Speaker.”—*Rule 125.*

“In case of any disturbance or disorderly conduct in the galleries or lobby, the Speaker (or chairman of the Committee of the Whole House) shall have power to order the same to be cleared.”—*Rule 16.* And “in case of great heat and confusion arising in committee, the Speaker may take the chair and bring the House to order.”—*Manual*, p. 68; *Journal*, 1, 26, p. 814.

The chairman of the Committee of the Whole has power to administer oaths or affirmations to witnesses in any case under its examination.—*Stat. at Large*, Vols. I, p. 554, and III, p. 345.

“The quorum of a Committee of the Whole is the same as that of the House.”—*Manual*, p. 67.

Speaker takes
chair to receive
messages and re-
port of Committee
on Enrolled Bills.

"If a message is announced during a committee, the Speaker takes the chair and receives it, because the committee cannot."—*Manual*, p. 68. [So, too, during a committee, the Speaker often takes the chair to receive the report of the Committee on Enrolled Bills, which having been announced, the chairman resumes the chair, and the House is again in committee.]

Want of quorum.

"Whenever the Committee of the Whole House on the state of the Union, or the Committee of the Whole House, finds itself without a quorum, the chairman shall

Roll to be called
and absentees re-
ported.

cause the roll of the House to be called, and thereupon the committee shall rise, and the chairman shall report the names of the absentees to the House, which shall be entered on the journal."—*Rule* 126. [And all members are reported as absentees who fail to answer when their names are called, for, upon the completion of the roll, the chairman *immediately* vacates the chair. Whenever, upon such roll call, a quorum answer to their names, and that fact is reported to the House, the Speaker declines to receive any motion whatever, and the committee resumes its session without further order. But if no quorum answer, a motion to adjourn, or for a call of the House, is in order; and if upon either of said motions a quorum shall vote, and the House refuse to adjourn or to order a call, the session of the committee is immediately resumed.—*Journals*, 2, 27, p. 592; 1, 29, p. 356; 2, 29, p. 343; 2, 32, p. 388.

Rules of House to
govern, except as
to speaking.

"The rules of proceedings in the House shall be observed in a Committee of the Whole House, *so far as they may be applicable*, except the rule limiting the times of speaking; but no member shall speak twice to any question until every member chosing to speak shall have spoken."—*Rule* 134.

No motion for pre-
vious question or
to adjourn, nor for
yeas and nays, nor
to lie on table, &c.,
&c.

"No previous question can be put in committee, nor can this committee adjourn as others may—*Manual*, p. 68—nor can the yeas and nays be taken—*Cong. Globe*, 1, 28, p. 618; 1, 26, p. 285—nor can a motion to lie on the table be entertained—*Cong. Globe*, 2, 31, p. 645—nor motions to reconsider."—*Cong. Globe*, 1, 27, p. 305.

In Committee of the Whole on the state of the Union Debate in, on the state of the Union.
 debate is not required to be confined to the particular subject-matter under consideration.—*Cong. Globe*, 2, 30, p. 587; 1, 31, p. 1475; 2, 31, pp. 630, 631; 1, 32, p. 1856. [It is otherwise, however, when the subject-matter has been made a special order.]

“No member shall occupy more than one hour in debate Debate one hour.
 on any question in the House or in committee, but a member reporting the measure under consideration from a committee may open and close the debate: *Provided*, That when debate is closed by order of the House, any member shall be allowed, in committee, five minutes to explain any amendment he may offer, after which any member who shall first obtain the floor shall be allowed to speak five minutes in opposition to it, and there shall be no further debate on the amendment; but the same privilege of debate shall be allowed in favor of and against any amendment that may be offered to the amendment; and neither the amendment nor an amendment to the amendment shall be withdrawn by the mover thereof, unless by the unanimous consent of the House.”—*Rule 34.* Five minutes' debate.

“The House may at any time, by a vote of a majority of the members present, provide for the discharge of the Committee of the Whole House, and the Committee of the Whole House on the state of the Union, from the further consideration of any bill referred to it, after acting without debate on all amendments pending and that may be offered.”—*Rule 136.* [The closing of debate herein referred to has reference only to the hour debate; the five minutes' debate contemplated by the latter branch of the 34th rule (recited in the foregoing paragraph) commences upon the adoption of the order under this rule. The following is the form of resolution for closing debate, which has been sanctioned by many years' practice, viz:
 “*Resolved*, That all debate in the Committee of the Whole House (or Committee of the Whole House on the state of the Union, as the case may be,) on (here insert title of bill or subject upon which it is proposed to close debate) shall cease, (here insert time at which it is proposed to close debate,) if the committee shall not sooner Debate may be closed.
Amendment not to be withdrawn without unanimous consent.
Hour debate only closed.
Form of resolution for closing debate.”

come to a conclusion upon the same; and the committee shall then proceed to vote on such amendments as may be pending or offered to the same, and shall then report it to the House with such amendments as may have been adopted by the committee." [The proposition to close debate may be made at any time, taking precedence even of a motion to go into Committee of the Whole; but to be in order at all, the subject upon which it is proposed to close debate must have been previously taken up and considered by the committee.—*Journal*, 1, 32, p.

Subject must have been previously considered.

Rule applies to messages as well as bills.

147. This rule is construed to apply as well to messages as bills, indeed to all subjects committed.—*Journal*, 1, 32, p. 146. And debate may be closed upon any one of the subjects referred to in a message.—

Member reporting measure still has right to close debate.

Journal, 1, 32, p. 147. The right of the member who reports the measure under consideration to close debate is held not to be affected by this rule; but he may make his closing speech after the arrival of the time at which the House has directed that debate shall cease—*Journal*, 1, 31, p. 1056; and such has been the invariable practice ever since.]

Where debate closed, time cannot be extended by.

Debate having been closed at a particular hour by order of the House, it is not competent for the committee, even by unanimous consent, to extend the time.—*Cong. Globe* 2, 32, pp. 784, 785.

May take up other business after getting through with a bill on which debate closed.

It is in order for the committee to lay aside a bill after having gone through with it, and, before rising, to proceed to other business on the calendar, notwithstanding the House may have adopted a resolution closing debate thereon.—*Cong. Globe*, 1, 33, pp. 1130, 1131.

Amendments to an original motion.

"All amendments made to an original motion in committee shall be incorporated with the motion and so reported."—*Rule* 128. [Bills and resolutions are sometimes originally moved in Committees of the Whole, having for their bases messages or reports previously referred and then up for consideration.]

Bills and resolutions originating in Committees of the Whole.

Amendments to a report.

"All amendments made to a report committed to a Committee of the Whole House shall be noted and reported as in the case of bills."—*Rule* 129.

If the committee shall amend a clause, and subsequently strike out the clause as amended, the first amendment thereby falls, and cannot be reported to the House and voted on.—*Journal*, 2, 31, p. 346. [So, too, if the committee shall amend a bill ever so much, and subsequently adopt a substitute therefor, the bill is to be reported to the House with but a single amendment, viz: the substitute; and the House has only to choose between the original bill and the substitute.]

An amended clause subsequently stricken out.

Bill amended and substitute afterwards adopted.

In Committee of the Whole a motion to rise, like the motion to adjourn in the House, may be made at any time; and when at the rising a member is entitled to the floor, he is entitled to occupy it in preference to any other member at the next sitting of the committee.—*Cong. Globe*, 1, 31, pp. 358, 388. And a member occupying the floor may yield it to another member to move that the committee rise without losing his right to reoccupy it at the next sitting.—*Ibid.*, 2, 31, p. 645. The motion to rise may be withdrawn at any time before the vote thereon is announced.—*Ibid.*, 1, 31, p. 318.

Motion to rise.

Member does not lose his right to floor by rising, and may yield for that purpose.

Motion to rise may be withdrawn before vote announced.

Where general debate has been closed, a member is not at liberty to speak in opposition to his own amendment.—*Cong. Globe*, 1, 31, p. 1408. Nor can he debate the main proposition.—*Ibid.*, 2, 32, p. 1723.

Member offering amendment cannot speak against it, or to main question.

“No motion or proposition for a tax or charge upon the people shall be discussed the day on which it is made or offered, and every such proposition shall receive its first discussion in a Committee of the Whole House.”—*Rule* 131. And “no sum or quantum of tax or duty voted by a Committee of the Whole House shall be increased in the House until the motion or proposition for such increase shall be first discussed and voted in a Committee of the Whole House; and so in respect to the time of its continuance.”—*Rule* 132.

Motion for tax or charge upon people.

Increase of tax or duty.

“All proceedings touching appropriations of money shall be first discussed in a Committee of the Whole House.”—*Rule* 133.—(See APPROPRIATION BILLS.)

Appropriations of money to be first discussed in.

“No appropriation shall be reported in the general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized

Amendments to appropriation bills.

by law, unless in continuation of appropriations for such public works and objects as are already in progress, and for the contingencies for carrying on the several departments of the government.”—*Rule 81.*

An amendment in the nature of a private claim on the government is not in order to a general appropriation bill.—*Cong. Globe*, 1, 31, *pp.* 1617, 1651; 2, 32, *p.* 736; 1, 33, *pp.* 385, 1483.

Cannot rule out of order any part of the bill committed.

[In the case of an appropriation reported by the Committee of Ways and Means in conflict with the 81st rule, and committed with the bill, it is not competent for the Committee of the Whole to rule it out of order, because the House having committed the bill are presumed to have received, as in order, the report in its entirety.

Practice in regard to amendments in.

So far as amendments are concerned, the current of decisions has been to exclude, not only all appropriations not previously authorized by law, (with the exceptions contained in the rule,) but also all independent legislation; tolerating, however, limitations and provisoes as to appropriations which are themselves in order.]

How bills are to be considered in.

“Upon bills committed to a Committee of the Whole House, the bill shall be first read throughout by the Clerk, and then again read and debated by clauses, leaving the preamble to be last considered; the body of the bill shall

Preamble.

How amendments are to be noted in.

not be defaced or interlined; but all amendments, noting the page and line, shall be duly entered by the Clerk on a separate paper as the same shall be agreed to by the committee, and so reported to the House. After report, the bill shall again be subject to be debated and amended by clauses before a question to engross it be taken.”—*Rule 127.* [The first reading herein required is usually dispensed with, but of course only by unanimous consent. Since the practice of printing all bills upon the order for their commitment has obtained, the amendments are usually noted upon a copy of the bill. The debate and amendment after report of a bill is usually precluded by an order for the previous question.]

After bill is reported from.

Where a bill is being considered by clauses or sections, and the committee has passed from the consideration of a particular clause or section, it is not in order to recur thereto.—*Cong. Globe*, 2, 32, *p.* 730; 2, 35, *p.* 1422.

“In Committee of the Whole on the state of the Union, How bills are taken up in Union. the bills shall be taken up and disposed of in their order on the calendar; but when objection is made to the consideration of a bill, a majority of the committee shall decide, without debate, whether it shall be taken up and disposed of or laid aside: provided, that general appro- Preferred bills, in. priation bills, and, in time of war, bills for raising men or money, and bills concerning a treaty of peace, shall be preferred to all other bills, at the discretion of the committee; and when demanded by any member, the question shall first be put in regard to them.”—*Rule 135.* [Where a bill has been taken up and is left undisposed of at the rising of the committee, it is the business first in order when the House shall again resolve itself into committee.]

Where an amendment is reported from the Committee Amendments from, not divisible. of the Whole as an entire and distinct proposition, it cannot be divided, but must be voted upon as a whole.—*Journals*, 1, 28, *p.* 1061; 1, 29, *pp.* 366, 642; 1, 30, *p.* 1059; 2, 30, *pp.* 574, 575.

[The following are the usual forms of report by the Forms of report to the House. chairman of the Committee of the Whole, viz:

“The Committee of the Whole House on the state of In case of report with or without amendment. the Union having, according to order, had the state of the Union generally under consideration, and particularly (here insert title of bill or other matter) have directed me to report the same with (or without, as the case may be) amendments.”

Where the committee have failed to get through with the matter before them, instead of saying “have directed me to report,” &c., say “have come to no resolution thereon.” In case of failure to get through.

Where the committee have risen for want of a quorum, In case of want of quorum. instead of saying “have directed me to report,” &c., say “having found itself without a quorum, I caused the roll to be called, and herewith report the names of the absentees to the House.”

In case of reports from a Committee of the Whole Reports from a Committee of the Whole House. House, omit the words “on the state of the Union” where they first occur, and strike out the words “state

of the Union" where they next occur and insert "*private calendar.*"']

Report of, when received and considered.

[The report of the chairman of the Committee of the Whole is invariably received immediately upon the rising of the committee, and, under the uniform practice, the bill or other proposition reported is the business then in order for the consideration of the House. It might be otherwise in case it was made to appear that a quorum was not present when it was proposed to make the report.] But a mere assertion of the fact, without evidence, that a quorum is not present, will not prevent the reception of the report.—*Journal*, 1, 35, pp. 814, 822.

COMPENSATION.

Members shall receive.

"Representatives shall receive a compensation for their services, to be ascertained by law and paid out of the treasury of the United States."—*Const.*, 1, 6, 9.

Amount of, for the Congress.

By the act of August 16, 1856, it is provided that "the compensation of each representative and delegate in Congress shall be six thousand dollars for each Congress,

Mileage for two sessions only.
Of the Speaker.

and mileage as now provided by law for two sessions only;" and "the Speaker of the House of Representatives shall receive double the compensation above provided for representatives."—*Stat. at Large*, vol. XI, p. 48. And by the joint resolution of December 23, 1857, that the said compensation shall be paid in the following

In what manner paid.

manner, to wit: "on the first day of the first session of each Congress, or as soon thereafter as he may be in attendance and apply, each representative and delegate shall receive his mileage as now provided by law, and all his compensation, from the beginning of his term, (March 4,) to be computed at the rate of two hundred and fifty dollars per month, and during the session compensation at the same rate. And on the first day of the second or any subsequent session he shall receive his mileage as now allowed by law, and all compensation which has accrued during the adjournment at the rate aforesaid, and during said session compensation at the same rate."—*Ibid.*, p. 367.

By the act of August 16, 1856, it is also provided, that if any books shall hereafter be ordered to and received by members by resolution of either or both houses of Congress, the price paid for the same shall be deducted from the compensation provided for such member or members; but this does not extend to books ordered to be printed by the public printer during the Congress for which the said member shall have been elected. It is also the duty of the Sergeant-at-Arms of the House and the Secretary of the Senate, respectively, to deduct from the monthly payment of members the amount of his compensation for each day that such member shall be absent from the House or Senate, respectively, unless such representative, senator, or delegate shall assign as the reason for such absence the sickness of himself or of some member of his family.—*Stat. at Large, vol. XI, p. 48.*

Price of books to be deducted from.

Deduction from in case of absence.

By a resolution of the House of March 4, 1842, the Sergeant-at-Arms is required to deduct the amount of the excess of stationery over the value of \$45 for a long and \$25 for a short session received by a member from the pay and mileage of such member.—*Journal, 2, 27, p. 495.*

Excess of stationery to be deducted from.

The compensation which shall be due the members of each house shall be certified to by the presiding officers thereof, respectively; and the same shall be passed as public accounts, and paid out of the public treasury.—*Stat. at Large, vol. III, p. 404.* And all certificates which may have been or may be granted by the presiding officers of the Senate and House of Representatives, respectively, of the amount due to the members of their several houses are, and ought to be, deemed, held, and taken, and are hereby declared to be, conclusive upon all the departments and officers of the government of the United States.—*Stat. at Large, vol. IX, p. 523.*

Amount of, to be certified by the Speaker.

Certificates of the Speaker for, to be conclusive.

By the joint resolution of March 3, 1859, it is provided that whenever, hereafter, any member of the House of Representatives shall die after the commencement of the Congress to which he shall have been elected, compensation shall be computed and paid his widow, or, if no widow survive him, to his heirs-at-law, for the period

Of member who shall die after the commencement of Congress.

Of member elected
to fill vacancy.

that shall have elapsed from the commencement of such Congress as aforesaid: *Provided*, That compensation shall be computed and paid in all cases for a period of not less than three months; and in no case shall constructive mileage be computed or paid. The compensation of each person elected or appointed afterwards to supply the vacancy so occasioned shall hereafter be computed and paid from the time the compensation of his predecessor is hereby directed to be computed and paid for, and not otherwise.—*Stat. at Large, vol. XI, pp. 442, 443.*
(See SERGEANT-AT-ARMS and MILEAGE.)

CONFERENCE COMMITTEES.

When conferences
are asked.

"It is on the occasion of amendments between the houses that conferences are usually asked; but they may be asked in all cases of difference of opinion between the two houses on matters depending between them."—*Manual, p. 124.*

In case of disagree-
ment as to amend-
ments.

"In every case of an amendment of a bill agreed to in one house and dissented to in the other, if either house shall request a conference and appoint a committee to confer, and the other house shall also appoint a committee to confer, such committees shall, at a convenient hour to be agreed upon by their chairman, meet in the conference chamber, and state to each other, verbally or in writing, as either shall choose, the reasons of their respective houses for and against the amendment, and confer freely thereon."—*Joint Rule 1.*

At what stage usu-
ally asked.

The usual course of proceeding previous to a conference is for one house to disagree to the other's amendment, and for the amending house to insist upon its amendment and ask a conference.—*Journal 1, 35, pp. 711, 933, 1062.* But it sometimes happens, near the close of a session, that one house disagrees to the other's amendment, and thereupon asks a conference.—*Journal 1, 3, pp. 221, 222; 2, 35, p. 564.* A conference sometimes takes place after one house has adhered.—*Journal 1, 3, pp. 281, 283; 2, 3. p. 254; 1, 34, pp. 1600, 1602; 1, 35, pp. 604, 615, 620.—Senate Journal, January 20, 1834; Manual, p. 125.*

Conference
adherence.

"In the ordinary parliamentary course there are two free conferences at least before an adherence."—*Manual*, p. 122. There are sometimes three and even four conferences before a matter of difference is disposed of.—*Journal* 1, 34, p. 943, 1600; 1, 35, pp. 1136.

At least two conferences before adherence.

In the case of disagreeing votes between the two houses, the House may either *recede*, *insist*, and ask a conference, or *adhere*, and motions for such purposes take precedence in that order.—(See *Manual*, pp. 110, 111; *Journal* 1, 23, p. 229; 1, 34, pp. 1516 to 1518.)

To recede, to insist, to adhere.

The report of a committee of conference is, under the practice of the House, so highly privileged that it has been held to be in order even pending a motion for a call of the House.—*Journal*, 1, 31, p. 1590.

Report may be made at any time.

Where conference committees are unable to agree, that fact is reported, and another committee is usually asked for and appointed.—*Journals*, 1, 31, p. 1681; 1, 34, pp. 919, 938, 1516, 1518; 3, 34, p. 663; 1, 35, p. 1118.

Where unable to agree.

So, too, when a report is disagreed to, another conference usually takes place.—*Journals*, 2, 27, p. 1248; 3, 34, pp. 653, 655; 1, 35, pp. 1105, 1106.

Where report disagreed to.

The report is sometimes laid on the table.—*Journal*, 1, 31, 1590.

Report may be laid on the table.

The committee may report agreement as to some of the matters of difference, but unable to agree as to others.—*Journal*, 1, 29, p. 1302.

May report agreement as to part and disagreement as to the rest.

"The request of a conference must always be by the house which is possessed of the papers."—*Manual*, p. 124.

Must be asked by house which has the papers.

"In all cases of conference asked after a vote of disagreement, &c., the conferees of the house asking it are to leave the papers with the conferees of the other."—*Manual*, p. 125.

Papers to be left with conferees of other house.

CONFIDENTIAL COMMUNICATIONS.

(See SECRET SESSION.)

CONSIDERATION.

"When any motion or proposition is made, the question 'Will the House now consider it?' shall not be put unless it is demanded by some member, or is deemed

When question of to be put.

When too late.

necessary by the Speaker.”—*Rule 5*. And it is competent for a member to raise the question of consideration upon a report, even though a question of privilege is involved in the report.—*Journal* 1, 35, pp. 1083, 1085. But after a question has been stated, and its discussion commenced, it is too late to raise the question of consideration.—*Journal*, 1, 17, pp. 296, 297. [But a single instance has occurred in many sessions where the question of consideration has been raised.]

CONVERSATION.

When not to be indulged in.

“While the Speaker is putting any question or addressing the House, or when a member is speaking, none shall entertain private discourse.”—*Rule 39*.

COURT OF CLAIMS.

(See CLAIMS, COURT OF.)

DEBATE.

Motion to be stated or read before.

“When a motion is made and seconded, it shall be stated by the Speaker; or being in writing, it shall be handed to the Chair and read aloud by the Clerk before debated.”—*Rule 43*.

Member must rise and address “Mr. Speaker.”

When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat and respectfully address himself to “Mr. Speaker.”—*Rule 31*. [According to the usage, he may rise from any seat he may happen to occupy.]

Where more than one member rises at same time.

“When two or more members happen to rise at once, the Speaker shall name the member who is first to speak.”—*Rule 33*. And it is the right of the Speaker generally to name the member entitled to the floor.—*Journal*, 2, 32, p. 405.

Who entitled to floor by courtesy.

By parliamentary courtesy, the member upon whose motion a subject is brought before the House is first entitled to the floor.—*Journal*, 2, 30, p. 247. [So, too, it is an invariable practice for the Speaker, at every new stage of a bill or proposition, to recognize first the member who has had charge of it. But to be entitled to such a recog-

dition, he must, in all cases, be a claimant for the floor at the same time with others.]

“No member shall speak more than once to the same question without leave of the House, unless he be the mover, proposer, or introducer of the matter pending; in which case, he shall be permitted to speak in reply, but not until every member choosing to speak shall have spoken.”—*Rule 37*. But it is too late to make the question of order that a member has already spoken, if no one claims the floor until he has made some progress in his speech.—*Journal*, 1, 29, p. 934. “Members may address the House or committee from the Clerk’s desk, or from a place near the Speaker’s chair.”—*Rule 32*. [Members very seldom speak from the place here indicated, but usually from some central position in the hall.]

No member shall speak but once, except the mover.

Where members may speak from.

Where an amendment is offered after a member has occupied the floor, he may again occupy the floor, the question being changed.—*Journal*, 1, 28, p. 532.

Members may speak again after amendm’t offered.

A member who has once spoken may be recognized to move the previous question.—*Journal*, 1, 24, p. 1401.

Member may move previous question after having once spoken.

The right of the “member reporting the measure” to open and close debate is not affected by an order either for the previous question or that debate shall cease in committee.—*Journal*, 1, 31, p. 1056.

Right to open and close not affected by previous question or close of debate.

Where a member has spoken part of his hour and moved the previous question, he may withdraw the motion and speak for the remainder of his time.—*Journal*, 1, 31, pp. 1367, 1368.

Where member moves previous question within his hour.

While a member is occupying the floor, he may yield it to another for explanation of the pending measure as well as for personal explanation.—*Journal*, 1, 32, p. 524. [So, too, he may yield it for a motion to adjourn, or that the committee rise, without losing his right to reoccupy it for the remainder of his time whenever the pending question shall be resumed; but it is otherwise when he yields to enable another to offer or withdraw an amendment.]

Member may yield for explanation, &c.

“A member shall confine himself to the question under debate, and avoid personality”—*Rule 31*—but in Committee of the Whole on the state of the Union a wider

Must be confined to the question, and personality avoided.

latitude is allowed."—*Cong. Globe*, 2, 30, p. 587; 1, 31, p. 1475; 1, 32, p. 1856.

Contestant, in debate, to be subject to rules.

A contestant for a seat, or other person, occupying the floor by leave of the House, is subject alike with members to the rules regulating debate.—*Journal*, 1, 28, p. 1011.

Question of rejection of bill debatable.

The question of the rejection of a bill, arising upon its first reading, is debatable.—*Journal*, 2, 32, p. 152.

No member to speak more than once on appeals.

On an appeal growing out of questions as to the applicability or relevancy of propositions, &c., "no member shall speak more than once without the leave of the House."—*Rule 2*.

Where member transgresses the rules in speaking.

"If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call to order; in which case, the member so called to order shall immediately sit down, unless permitted to explain; and the House shall, if appealed to, decide on the case, but without debate; if there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; *if otherwise, he shall not be permitted to proceed, in case any member object, without leave of the House*; and if the case require it, he shall be liable to the censure of the House."—*Rule 35*.

He may proceed in order if no member objects, or with leave.

Words excepted to be reduced to writing.

"If a member be called to order for words spoken in debate, the person calling him to order shall repeat the words excepted to, and they shall be taken down in writing at the Clerk's table; and no member shall be held to answer, or be subject to the censure of the House, for words spoken in debate, if any other member has spoken, or other business has intervened, after the words spoken, and before exception to them shall have been taken."—*Rule 36*.

When not censurable for words spoken.

Not to be questioned out of House for debate.

"For any speech or debate in either house, members shall not be questioned in any other place."—*Const.*, 1, VI, p. 9.

No conversation or passing between member and Chair.

While a member is speaking, none shall entertain private discourse, nor pass between him and the Chair.—*Rule 39*.

Debate closed in Committee of the Whole.

"The House may at any time discharge the Committee of the Whole House and the Committee of the Whole House

on the state of the Union from the further consideration of any bill referred to it, after acting, without debate, on all amendments pending and that may be offered."—*Rule 136.*

"Where debate is closed by order of the House, any member shall be allowed, in committee, five minutes to explain any amendment he may offer, after which any member who shall first obtain the floor shall be allowed to speak five minutes in opposition to it, and there shall be no further debate on the amendment; but the same privilege of debate shall be allowed in favor of and against any amendment that may be offered to the amendment; and neither the amendment nor an amendment to the amendment shall be withdrawn by the mover thereof, unless by the unanimous consent of the committee."—*Rule 34.*

Five minutes debate after general debate closed.

(See COMMITTEES OF THE WHOLE.)

By *Rule 25* debate on the day of their presentation is prohibited upon resolutions submitted on the call of the States and Territories after the reports of committees; and by *Rule 26* all resolutions submitted on the alternate Mondays which shall give rise to debate shall lie over for discussion at least until all the States and Territories are called. And it has been decided (*Journal*, 1, 26, pp. 557, 763) that bills introduced on leave upon the call for resolutions, and which give rise to debate, must also lie over. It is a very common practice, however, when a resolution is submitted under these rules, for the mover to immediately demand the previous question, which, if ordered, prevents debate and brings the House to a direct vote on the resolution—thus avoiding the necessity for its lying over.—*Journal*, 1, 26, pp. 1064, 1067; 2, 27, p. 429; 1, 28, p. 558; 1, 29, p. 1235; 1, 30, p. 326.

Not allowed on resolutions or bills on leave on day of presentation.

"On the first and fourth Friday of each month the calendar of private bills shall be called over, and the bills to the passage of which no objection shall then be made shall be first considered and disposed of."—*Rule 30.*

[The universal practice under this rule is not to tolerate discussion in committee on any private bill on the days named; and it has been decided (*Journal*, 1, 31, p. 697) that the rule applies equally to bills in the House.]

Not allowed on private bills on 1st and 4th Fridays.

Not allowed on motions to adjourn to fix day, and to lie on table.

"A motion to adjourn, and a motion to fix the day to which the House shall adjourn, shall be always in order; these motions, and the motion to lie on the table, shall be decided without debate."—*Rule 48.*

Not to be excused from voting.

"On a motion to excuse a member from voting, the question shall be taken without debate."—*Rule 42.*

Nor on previous question, or incidental questions pending it.

"On a previous question there shall be no debate. All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate." And under *Rule 50*, after the main question is ordered, its effect shall be "to put an end to all debate."

Nor on motion to reconsider third reading while previous question is pending a passage.

Pending the demand for the previous question and the passage of a bill it is not in order to debate a motion to reconsider the vote on its third reading; but the vote must be taken without debate.—*Journal*, 1, 34, p. 1009. Nor pending such demand is it in order even to ask a question of the mover of the proposition.—*Journal*, 1, 28, p. 1003.

Nor on questions of priority of business.

"All questions relating to the priority of business to be acted on shall be decided without debate."—*Rule 113.*

Nor on motions to suspend rules, or to reconsider votes on questions not debatable.

[It has been invariably held, too, that a motion to suspend the rules is not debatable; nor motions to reconsider votes on questions which were not themselves debatable, except where the original question was not debatable by reason of the order for the previous question.]

Nor after a member has answered to his name.

Where a question has been ordered to be taken by yeas and nays, and has been put by the Speaker, and upon the roll call a vote has been given by a member, further debate is precluded.—*Journal*, 2, 10, p. 446. Such continues to be the practice; but if a member rises *before a response is given*, and is recognized by the Chair, he may proceed to debate the question.—*Journal*, 1, 17, pp. 216, 217.

DELEGATES.

Provision for election of.

By the *act of March 3, 1817*, it is provided, "that in every Territory of the United States in which a temporary government has been or hereafter shall be established,

and which, by virtue of the ordinance of Congress of the 13th of July, 1787, or of any subsequent act of Congress passed or to be passed, now hath or hereafter shall have the right to send a delegate to Congress, such delegate shall be elected every second year, for the same term of two years for which members of the House of Representatives of the United States are elected; and in that House each of the said delegates shall have a seat with a right of debating but not of voting.”

Shall have right to debate but not to vote.

The right of a delegate to submit a resolution is recognized by the 25th and 26th rules, and it is also competent for him to submit any motion which a member may make, except the motion to reconsider, which is dependent upon the right to vote.—*Journals*, 2, 30, p. 503; 1, 31, p. 1280.

May make motions

[In the organization of the House, the names of delegates are called over after those of members, and before taking their seats the same oath or affirmation is administered as in the case of members.]

Names of, called in organization of the House.

DEPARTMENTS.

(See EXECUTIVE DEPARTMENTS.)

DISORDER.

“In case of any disturbance or disorderly conduct in the galleries or lobby, the Speaker (or chairman of the Committee of the Whole House) shall have power to order the same to be cleared.”—*Rule 16*.

In the galleries or lobby.

“Each house may punish its members for disorderly behavior.”—*Const. U. S.*, 1, 5, 8.

House may punish members for.

“The Speaker shall preserve order and decorum.”—*Rule 2*.

Speaker shall preserve order.

“If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call to order; in which case the member so called to order shall immediately sit down, unless permitted to explain; and the House shall, if appealed to, decide on the case, but without debate. If there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order, he

In case of member called to order.

shall be at liberty to proceed; *if otherwise, he shall not be permitted to proceed, in case any member object, without leave of the House*; and if the case require it, he shall be liable to the censure of the House.”—*Rule 35.*

Member may be censured. “If a member be called to order for words spoken in debate, the person calling him to order shall repeat the words excepted to, and they shall be taken down in writing at the Clerk’s table; and no member shall be held to answer, or be subject to the censure of the House, for words spoken in debate, if any other member has spoken, or other business has intervened, after the words spoken, and before exception to them shall have been taken.”—*Rule 36.*

Specific violations of order. While the Speaker is putting any question, or addressing the House, none shall walk out of or across the House; nor in such case, or when a member is speaking, shall entertain private discourse; nor while a member is speaking shall pass between him and the Chair. Every member shall remain uncovered during the session of the House. No member or other person shall visit or remain by the Clerk’s table while the yeas and nays are calling or ballots are counting.—*Rule 39.*

Member not to be named in debate. “No person, in speaking, is to mention a member then present by his name.”—*Manual, p. 75.*

Disorderly words in committee. “Disorderly words spoken in a committee must be written down as in the House; but the committee can only report them to the House for animadversion.”—*Manual, p. 77.*

Speaker may call member by name. “If repeated calls do not produce order, the Speaker may call by his name any member obstinately persisting in irregularity.”—*Manual, p. 76.*

DISTRICT OF COLUMBIA, COMMITTEE FOR THE.

When appointed, and of what number. There shall be appointed at the commencement of each session a Committee for the District of Columbia, to consist of nine members.—*Rule 76.*

Its duties. “It shall be the duty of the Committee for the District of Columbia to take into consideration all such petitions and matters or things touching the said District as

shall be presented, or shall come in question, and be referred to them by the House, and to report their opinion thereon, together with such propositions relative thereto as to them shall seem expedient.”—*Rule 86.*

DIVISION OF THE HOUSE.

(See VOTING.)

DIVISION OF QUESTIONS.

“Any member may call for the division of a question, How made. which shall be divided if it comprehend propositions in substance so distinct that one being taken away a substantive proposition shall remain for the decision of the House. A motion to strike out and insert shall be deemed indivisible.”—*Rule 53.* But it has been decided Motion to strike out and insert not divisible. on appeals that on motions to commit with instructions, Other questions not divisible. or on the different branches of instructions—*Journals* 1, 17, *p.* 507; 1, 31, *pp.* 1395-’97; 1, 32, *p.* 611—on a Senate amendment—*Journal* 2, 32, *p.* 401—on an amendment reported as a single amendment from a Committee of the Whole—*Journals* 1, 28, *p.* 1061; 1, 29, *pp.* 366, 642; 1, 30, *p.* 1059, &c.—a division of the question cannot be had.

“Upon the engrossment of any bill making appropriations of money for works of internal improvement of any Upon engrossment of internal improvement bills. kind or description, it shall be in the power of any member to call for a division of the question, so as to take a separate vote of the House upon each item of improvement or appropriation contained in said bill, or upon such items separately, and others collectively, as the members making the call may specify; and if one-fifth of the members present second said call, it shall be the duty of the Speaker to make such divisions of the question, and put them to vote accordingly.”—*Rule 151.*

DIVINE SERVICE.

“No person shall be permitted to perform divine service in the chamber occupied by the House of Repre- Not to be performed in hall without the consent of the Speaker.

sentatives unless with the consent of the Speaker.”—*Rule 140.*

DOCUMENTS.

Clerk to furnish each member with one bound copy.

“The Clerk shall have preserved for each member of the House an extra copy, in good binding, of all the documents printed by order of either house.”—*Rule 144.*

“Document room” furnished 1 copy.

[In addition to which there is a copy of each of said documents for each member deposited in the “document

Extra copies sent to “folding room.”

room” as soon as printed. And where extra numbers are ordered, they are sent to the “folding room” as soon as printed, from whence they are distributed *pro rata* among the members.]—(See PRINTING.)

Two copies to be retained in library.

“There shall be retained in the library of the Clerk’s office, for the use of the members there, and not to be withdrawn therefrom, two copies of all the books and printed documents deposited in the library.”—*Rule 143.*

DOORKEEPER.

Shall be appointed.

“A doorkeeper shall be appointed for the service of the House.”—*Rule 73.* [This officer is usually elected

Holds over until successor elected.

at the commencement of each Congress; but in the 30th Congress (*Journal*, p. 366) the election was postponed until a very late day in the Congress, and the House then failing to elect, the doorkeeper of the preceding Congress continued to hold over until his successor was elected at the next Congress.]

Oath of office.

“The doorkeeper shall be sworn to keep the secrets of the House.”—*Rule 74.* [The oath of office, under the Constitution and this rule, is: “That he will support the Constitution of the United States and keep the secrets of the House.”]

Shall strictly execute the rules in regard to admission on the floor and in gallery.

“The doorkeeper shall execute strictly the 17th and 18th rules, relative to the privilege of the hall.”—*Rule 20.*

Shall announce messages from the Senate.

“When a message shall be sent from the Senate to the House of Representatives, it shall be announced at the door of the House by the doorkeeper.”—*Joint Rule 2.*

Duties not enumerated in rules.

[The doorkeeper, with the aid of his appointees, viz: the superintendents of the “folding room” and “docu-

ment room” messengers, pages, folders, and laborers, discharge various duties which are not enumerated in the rules, viz: He announces at the door of the House all messages from the President, &c.; keeps the doors of the House; folds and distributes extra documents; furnishes members with printed copies of bills, reports, and other documents; conveys messages from members; keeps the hall in order, &c., &c.]

DUTIES OR TAXES.

“No motion or proposition for a tax or charge upon the people shall be discussed the day on which it is made or offered; and every such proposition shall receive its first discussion in a Committee of the Whole House.”—*Rule 131.*

Motion for, to be first discussed in Committee of the Whole.

“No sum or quantum of tax or duty, voted by a Committee of the Whole House, shall be increased in the House until the motion or proposition for such increase shall be first discussed and voted in a Committee of the Whole House, and so in respect to the time of its continuance.”—*Rule 132.*

So also for increase of.

(See also COMMITTEES OF THE WHOLE.)

ELECTIONS BY THE HOUSE.

“The House of Representatives shall choose their Speaker and other officers.”—*Const.*, 1, 2, 6.

House shall choose its officers.

“In all other cases of ballot than for committees, a majority of the votes given shall be necessary to an election; and where there shall not be such a majority on the first ballot, the ballots shall be repeated until a majority be obtained. And in all ballotings blanks shall be rejected and not taken into the count in enumeration of votes or reported by the tellers.”—*Rule 11.*

a Majority necessary—blanks not counted.

“In all cases of ballot by the House the Speaker shall vote.”—*Rule 12.*

Speakers shall vote.

“In all cases where other than members of the House may be eligible to an office by the election of the House there shall be a previous nomination.”—*Rule 13.*

Previous nomination.

“In all cases of election by the House of its officers the vote shall be taken *viva voce*.”—*Rule 14.*

Vote to be taken *viva voce*.

No person to visit Clerk's table during. "No member or other person shall visit or remain by the Clerk's table while the ayes and noes are calling or ballots are counting."—*Rule 39.*

After postponement, not in order to go into election. After the election of a particular officer is postponed, it is not in order to move to proceed to the election of such officer before the arrival of the period to which the postponement was made.—*Journal*, 1, 31, p. 405. But if the House should fail to go into an election on the day specified in the order of postponement, the matter does not thereby drop but the election may be proceeded with subsequently.—*Journal*, 1, 26, p. 253.

Order for election need not be renewed on failure to go into at specified time. [Ordinarily it has been held that the election by the House of any of its officers is a question of privilege.]

Ordinarily held to be question of privilege.

ELECTIONS, COMMITTEE OF.

When to be appointed, and number. The Committee of Elections is of the number of the committees which, under the 76th rule, are to be appointed at the commencement of each session, and to consist of nine members each.

Its duties. "It shall be the duty of the Committee of Elections to examine and report upon the certificates of election, or other credentials, of the members returned to serve in this House, and to take into their consideration all such petitions and other matters touching elections and returns as shall or may be presented or come into question and be referred to them by the House."—*Rule 77.*

ELECTIONS, CONTESTED.

House may decide. "Each house shall be the judge of the elections, returns, and qualifications of its own members."—*Const.*, 1, V, 8.

Notice of contest. By the act of February 19, 1851, (*Stat. at Large*, vol. IX, p. 568,) it is provided that notice of intention to contest shall be given by contestant to returned member within thirty days after the result of the election shall be determined by the canvassers, specifying particularly the

Answer to notice. grounds upon which he relies in the contest. Within thirty days after service of said notice the returned member shall answer the same, admitting or denying the alleged facts, and setting forth specifically any other

grounds upon which he rests the validity of his election; and he shall serve a copy of his answer upon the contestant. Where either party desire to take testimony, Before whom testimony may be taken. application may be made to any judge of any court of the United States, or to any chancellor, judge, or justice of a court of record of any State, or to any mayor, recorder, or intendant of any town or city; said officer to reside within the congressional district in which said election was held, who shall issue subpoenas to the witnesses named. Notice of intention to examine witnesses shall be given to the opposite party at least ten days before their examination; but neither party shall give notice of taking testimony at different places at the same time or within less than five days between the close of taking it in one place and its commencement in the other. No Notice to be given to opposite party. testimony shall be taken, unless with the consent of the House, (which may allow supplementary evidence to be taken,) after the expiration of sixty days from the service of the answer of the returned member, and a copy of the notice of contest and of the answer of the returned member shall be prefixed to the depositions and transmitted with them to the Clerk of the House of Representatives. Testimony to be closed within sixty days.

Upon the hearing of a case of contested election by the House, the *courtesy* of occupying a seat upon the floor, and of being heard in his own behalf, is usually extended by the House to the contestant—*Journals*, 1, 29, p. 278, 1, 34, p. 1258, &c.—and he is subject to all the rules of debate which are applicable to *members*.—*Journal*. 1, 28, p. 1012. And, together with notice and answer, to be sent to Clerk of House of Representatives.

[All questions relating to the right of a member to his seat are held to be questions of privilege, and hence take precedence of other business.] Contestant allowed to debate. But subject to the rules. Contested election cases take precedence over other business.

ENACTING WORDS—STYLE OF.

The following is the enacting style made use of in Congress, viz: "Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled." It rests entirely upon usage, not having been prescribed by the Constitution or any law or rule. Rests upon usage.

ENACTING WORDS—MOTION TO STRIKE OUT.

Takes precedence
of motion to
amend.

Its effect if carried.

Power of Committee of the Whole to report.

Where reported with such recommendation, question that arises, &c.

Maps not to be printed without special order.

To be procured by Superintendent of Public Printing, under direction of committee.

“A motion to strike out the enacting words of a bill shall have precedence of a motion to amend, and, if carried, shall be considered equivalent to its rejection.”—*Rule 119*. [Some doubts having been expressed of late years as to the power of a Committee of the Whole, under this rule, to report a bill with a recommendation “that the enacting words be stricken out,” it may not be out of place to refer to the proceedings of the House which originated the rule. It was first adopted on the 13th of March, 1822, and by reference to the Journal of that House (1, 17, *pp.* 355, 380) it appears that on the *next day* such a report was received from the Committee of the Whole. So, too, in the next Congress (*Journal*, 1, 18, *p.* 566) a similar report was received. The cotemporaneous exposition of the rule, and the subsequent practice conforming thereto, would seem to settle the question that the Committee of the Whole may make such a report.]

The question which arises (under the recent practice) upon a report from the Committee of the Whole that the enacting words be stricken out is, “Shall the enacting words be stricken out?” and the previous question is exhausted upon the taking of such vote.—*Journals*, 1, 33, *p.* 872; 3, 34, *p.* 479; 1, 35, *p.* 107.

ENGRAVING.

“Maps accompanying documents shall not be printed under the general order to print without the special direction of the House.”—*Rule 148*.

By *joint resolution of January 18, 1855, (Stat. at Large, Vol X, p. 722,)* it is provided that “when any charts, maps, diagrams, views, or other engravings, shall be required to illustrate any document ordered to be printed by either house of Congress, such engravings shall be procured by the Superintendent of the Public Printing, under the direction of such committee as the house ordering the printing of any such document shall direct.”—(See also ENGRAVING, COMMITTEE ON.)

ENGRAVING—COMMITTEE ON.

The Committee on Engraving, to consist of three members, shall be appointed at the commencement of each session.—*Rule 76.* When appointed, and number of.

“There shall be appointed a standing committee of Its duties. this House, to consist of three members, to be called the Committee on Engraving, to whom shall be referred by the Clerk all drawings, maps, charts, or other papers, which may at any time come before the House for engraving, lithographing, or publishing in any way, which committee shall report to the House whether the same ought, in their opinion, to be published; and if the House order the publication of the same, that said committee shall direct the size and manner of execution of all such maps, charts, drawings, or other papers, and contract by agreement, in writing, for all such engraving, lithographing, printing, drawing, and coloring, as may be ordered by the House; which agreement, in writing, shall be furnished by said committee to the Committee of Accounts, to govern said committee in all allowances for such works; and it shall be in order for said committee to report at all times.”—*Rule 104.*

ENGROSSED BILLS.

“All bills ordered to be engrossed shall be executed in a fair round hand.”—*Rule 121.* Engrossment, how executed.

“While bills are on their passage between the two houses they shall be on paper, and under the signature of the Secretary or Clerk of each house, respectively.”—*Joint Rule 5.* To be on paper and signed by Clerk.

ENROLLED BILLS.

“After a bill shall have passed both houses, it shall be duly enrolled on parchment by the Clerk of the House of Representatives, or the Secretary of the Senate, as the bill may have originated in the one or the other house, before it shall be presented to the President of the United States.”—*Joint Rule 6.* To be on parchment.

(See also ENROLLED BILLS, COMMITTEE ON.)

ENROLLED BILLS, COMMITTEE ON.

Shall examine and
report enrolled bills

“When bills are enrolled, they shall be examined by a joint committee of two from the Senate and two from the House of Representatives, appointed as a standing committee for that purpose, who shall carefully compare the enrollment with the engrossed bills as passed in the two houses, and correcting any errors that may be discovered in the enrolled bills, make their report forthwith to their respective houses.”—*Joint Rule 7.*

May report at any
time.

“It shall be in order for the Committee on Enrolled Bills to report at any time.”—*Rule 138.* [And it is a very common practice, when the House is in committee, for the Speaker to take the chair and receive such a report, and having signed the bill or bills reported, and the Clerk having read their titles, the committee resumes its session.]

After report, bill to
be signed by Speaker.

“After examination and report, each bill shall be signed in the respective houses, first by the Speaker of the House of Representatives, then by the President of the Senate.”—*Joint Rule 8.*

Shall present bill
to President.

“After a bill shall have been thus signed in each house, it shall be presented by the said committee to the President of the United States for his approbation, (it being first endorsed on the back of the roll, certifying in which house the same originated, which endorsement shall be signed by the Secretary or Clerk, as the case may be, of the house in which the same did originate,) and shall be entered on the journal of each house. The said committee shall report the day of presentation to the President, which time shall also be carefully entered on the journal of each house.”—*Joint Rule 9.*

Other matters to be
enrolled, examined,
&c.

“All orders, resolutions, and votes which are to be presented to the President of the United States for his approbation shall also, in the same manner, be previously enrolled, examined, and signed; and shall be presented in the same manner, and by the same committee, as provided in the cases of bills.”—*Joint Rule 10.*

Not to present a bill
to President on last
day of session.

“No bill or resolution that shall have passed the House of Representatives and the Senate shall be presented to

the President of the United States for his approbation on the last day of the session.”—*Joint Rule 17*. [This rule is usually rendered inoperative by reason of its suspension, which usually takes place on the last day of the session.]

EXECUTIVE DEPARTMENTS.

“A proposition requesting information from the President of the United States, or directing it to be furnished by the head of either of the executive departments, shall lie on the table one day for consideration, unless otherwise ordered by the unanimous consent of the House—and all such propositions shall be taken up for consideration in the order they were presented, immediately after reports are called for from select committees, and, when adopted, the Clerk shall cause the same to be delivered.”—*Rule 61*.

Calls on.
Shall lie over one day.
When adopted, Clerk to deliver.

“It shall be the duty of the Clerk to make and cause to be printed, and deliver to each member at the commencement of every session of Congress, a list of the reports which it is the duty of any officer or department of the government to make to Congress, referring to the act or resolution, and page of the volume of the laws or journal in which it may be contained; and placing under the name of each officer the list of reports required of him to be made, and the time when the report may be expected.”—*Rule 109*.

List of reports called for to be made out by Clerk.

Messages and other executive communications are the business first in order whenever the House proceeds to the consideration of the business on the Speaker’s table.—

Communications from, when considered.

Rule 27. [It is the practice, however, of the Speaker, with the unanimous consent of the House, (which is rarely refused,) to lay such communications as shall not give rise to debate before the House immediately after the journal is read, in order that they may be printed and referred.]

EXCUSED FROM VOTING.

(See VOTING.)

EXCUSED FROM SERVING ON COMMITTEE.

(See COMMITTEES.)

EXPENDITURES IN THE STATE DEPARTMENT,
 EXPENDITURES IN THE TREASURY DEPARTMENT,
 EXPENDITURES IN THE WAR DEPARTMENT,
 EXPENDITURES IN THE NAVY DEPARTMENT,
 EXPENDITURES IN THE POST OFFICE DEPARTMENT, AND
 EXPENDITURES ON THE PUBLIC BUILDINGS,
 COMMITTEES ON.

When appointed,
 and number of.

“Six additional standing committees shall be appointed at the commencement of the first session in each Congress, whose duties shall continue until the first session of the ensuing Congress:

1. A committee on so much of the public accounts and expenditures as relate to the Department of State ;
2. A committee on so much of the public accounts and expenditures as relate to the Treasury Department ;
3. A committee on so much of the public accounts and expenditures as relate to the Department of War ;
4. A committee on so much of the public accounts and expenditures as relate to the Department of the Navy ;
5. A committee on so much of the public accounts and expenditures as relate to the Post Office ; and
6. A committee on so much of the public accounts and expenditures as relate to the Public Buildings ;

To consist of
 five mem-
 bers each.

[Rule 105.

Duties of.

“It shall be the duty of the said committees to examine into the state of the accounts and expenditures respectively submitted to them, and to inquire and report particularly—

“Whether the expenditures of the respective departments are justified by law ;

“Whether the claims from time to time satisfied and discharged by the respective departments are supported by sufficient vouchers, establishing their justness both as to their character and amount ;

“Whether such claims have been discharged out of funds appropriated therefor, and whether all moneys have been disbursed in conformity with appropriation laws ; and

"Whether any, and what, provisions are necessary to be adopted to provide more perfectly for the proper application of the public moneys, and to secure the government from demands unjust in their character or extravagant in their amount.

"And it shall be, moreover, the duty of said committees to report, from time to time, whether any, and what, retrenchment can be made in the expenditures of the several departments without detriment to the public service; whether any, and what, abuses at any time exist in the failure to enforce the payment of moneys which may be due to the United States from public defaulters or others; and to report, from time to time, such provisions and arrangements as may be necessary to add to the economy of the several departments and the accountability of their officers.

"It shall be the duty of the several committees on public expenditures to inquire whether any offices belonging to the branches or departments, respectively, concerning whose expenditures it is their duty to inquire, have become useless or unnecessary; and to report, from time to time, on the expediency of modifying or abolishing the same: also, to examine into the pay and emoluments of all offices under the laws of the United States; and to report, from time to time, such a reduction or increase thereof as a just economy and the public service may require."—*Rule 106.*

FEES.

"When a member shall be discharged from custody, Against members. and admitted to his seat, the House shall determine whether such discharge shall be with or without paying fees; and, in like manner, whether a delinquent member, taken into custody by a special messenger, shall or shall not be liable to defray the expense of such special messenger."—*Rule 64.*

"The fees of the Sergeant-at-Arms shall be, for every arrest, the sum of two dollars; for each day's custody and Of Sergeant-at-Arms for arrest, travelling, &c. releasement, one dollar; and for travelling expenses for himself or a special messenger, going and returning, one-

tenth of a dollar per mile.”—*Rule 69*. And it is provided by act of February 5, 1859, (*Stat. at Large, vol. XI, p. 379*),

Constructive mileage prohibited.

“that hereafter the mileage or travelling allowance to the officer or other person executing precepts or summons of either house of Congress shall not exceed ten cents for each mile necessarily and actually travelled by such officer or other person in the execution of any such precept or summons.”

Of witnesses summoned by authority of House.

“The rule for paying witnesses summoned to appear before this House or either of its committees shall be as follows: For each day a witness shall attend, the sum of two dollars; for each mile he shall travel in coming to or going from the place of examination, the sum of ten cents each way; but nothing shall be paid for travelling home when the witness has been summoned at the place of trial.”—*Rule 141*.

Of Clerk for extracts from journal.

The Clerk shall certify extracts from the journals of the House of Representatives, and for such copies shall receive the same fees as are allowed by law to the Secretary of State for similar services.—*Stat. at Large, vol. IX, p. 80*.

FIVE MINUTES' DEBATE.

Allowed on amendments and amendments to amendments.

“Where debate is closed by order of the House, any member shall be allowed, in committee, five minutes to explain any amendment he may offer, after which any member who shall first obtain the floor shall be allowed to speak five minutes in opposition to it, and there shall be no further debate on the amendment; but the same privilege of debate shall be allowed in favor of and against any amendment that may be offered to the amendment; and neither the amendment nor an amendment to the amendment shall be withdrawn by the mover thereof, unless by the unanimous consent of the committee.”—*Rule 34*. (See also COMMITTEE OF THE WHOLE, *ante*, pp. 55, 56.)

FLOOR, PRIVILEGE OF ADMISSION ON.

Who shall have.

“No person except members of the Senate, their Secretary, heads of departments, the President’s private secretary, the governor for the time being of any State,

and judges of the Supreme Court of the United States, shall be admitted within the hall of the House of Representatives.”—*Rule 17.*

The doorkeeper shall execute strictly the foregoing rule.—*Rule 20.* Doorkeeper to execute strictly rule relative to.

FOREIGN AFFAIRS, COMMITTEE ON.

There shall be appointed, at the commencement of each session of Congress, a Committee on Foreign Affairs, to consist of nine members.—*Rule 76.* When appointed, and number of.

“It shall be the duty of the Committee on Foreign Affairs to take into consideration all matters which concern the relations of the United States with foreign nations, and which shall be referred to them by the House, and to report their opinion on the same.”—*Rule 94.* Its duties.

FRIDAYS.

Fridays and Saturdays are set apart for the consideration of private bills and private business.—*Rule 29.* Set apart for private business. And on the first and fourth Friday of each month bills to the passage of which no objection is made are first considered and disposed of.—*Rule 30.* Bills not objected to to be considered on first and fourth.

(See PRIVATE BILLS AND PRIVATE BUSINESS.)

GALLERIES.

“Stenographers and reporters, other than the official reporters of the House, wishing to take down the debates, may be admitted by the Speaker to the reporters’ gallery over the Speaker’s chair, but not on the floor of the House; but no person shall be allowed the privilege of said gallery under the character of stenographer or reporter without a written permission of the Speaker, specifying the part of said gallery assigned to him; nor shall said stenographer or reporter be admitted to said gallery unless he shall state in writing for what paper or papers he is employed to report; nor shall he be so admitted, or, if admitted, be suffered to retain his seat, if he shall be or become an agent to prosecute any claim Certain portion for reporters.

pending before Congress; and the Speaker shall give his written permission with this condition.”—*Rule 18.*

Visitors.

[Other portions of the galleries are set apart for visitors.]

Speaker or chairman may order, cleared.

“In case of any disturbance or disorderly conduct in the galleries or lobby, the Speaker (or chairman of the Committee of the Whole House) shall have power to order the same to be cleared.”—*Rule 16.* Or the House may order it cleared.—*Journal, 1, 24, p. 331.*

GOVERNORS OF STATES.

Admitted on floor.

The governor for the time being of any State may be admitted within the hall of the House of Representatives.—*Rule 17.*

Copy of journal to be sent to.

It shall be the duty of the Clerk, at the end of each session, to send a printed copy of the journal to the executive of every State.—*Rule 110.*

HALL OF THE HOUSE.

Speaker to have direction of.

The Speaker shall have a general direction of the hall.—*Rule 6.* And no person shall be permitted to perform divine service therein unless with his consent.—*Rule 140.*

Who may be admitted within.

“No person except members of the Senate, their Secretary, heads of departments, the President’s private secretary, the governor for the time being of any State, and judges of the Supreme Court of the United States, shall be admitted within the hall of the House of Representatives.—*Rule 17.* And by *Rule 20* the doorkeeper is required to execute this rule strictly.

HOUR RULE.

No member shall debate more than one hour.

“No member shall occupy more than one hour in debate on any question in the House or in committee; but a member reporting the measure under consideration from a committee may open and close the debate.”—*Rule 34.*

(See DEBATE.)

HOOR AT WHICH ADJOURNMENT IS MOVED.

“The hour at which every motion to adjourn is made shall be entered on the journal.”—*Rule 49.* To be entered on the journal.

HOOR OF DAILY MEETING.

[The hour of daily meeting is fixed by an order of the House—usually on the first day of the session—and continues “until otherwise ordered.”] How fixed.

IMPEACHMENT.

“The House of Representatives shall have the sole power of impeachment.”—*Const.*, 1, 2, 6. House has sole power of.

[The proceedings in the case of the impeachment of Judge Peck, in the 21st Congress, were as follows :

The House having resolved that he be impeached of “high misdemeanors in office,” (*Jourual*, 1, 21, *pp.* 565, 566,) it was ordered “that Mr. ——— and Mr. ——— be appointed a committee to go to the Senate, and at the bar thereof, in the name of the House of Representatives, and of all the people of the United States, to impeach James H. Peck, judge of the district court of the United States for the district of Missouri, of high misdemeanors in office, and acquaint the Senate that the House of Representatives will in due time exhibit particular articles of impeachment against him and make good the same, and that said committee do demand that the Senate take order for the appearance of the said James H. Peck, to answer to said impeachment.” be Committee appointed to go to Senate.

The House then, on motion, appointed a committee of five “to prepare and report to the House articles of impeachment against James H. Peck, district judge of the United States for the district of Missouri, for misdemeanors in his said office.”—(*p.* 567.) Committee to prepare articles.

A message was received from the Senate notifying the House “that the Senate will take proper order therein, of which due notice shall be given to the House of Representatives.”—(*p.* 574.) Message from the Senate.

Articles reported
and adopted by
House.

The committee appointed to prepare articles of impeachment made their report, (p. 584,) which was committed to the Committee of the Whole House on the state of the Union, (p. 588;) and having been considered therein, was reported with amendments and so agreed to by the House.—(pp. 591 to 595.)

Managers appointed
on the part of
the House.

It was then ordered “that five managers be appointed by ballot to conduct the impeachment against James H. Peck, judge of the district court of the United States for the district of Missouri, on the part of the House,” who were thereupon appointed.—(p. 595.)

Managers to carry
articles to Senate.

It was then ordered “that the article agreed to by the House, to be exhibited in the name of themselves and of all the people of the United States, against James H. Peck, in maintainance of their impeachment against him for high misdemeanors in office, be carried to the Senate by the managers appointed to conduct said impeachment.”

Clerk to notify
Senate of appoint-
ment of managers,
&c.

And the Clerk was directed to inform the Senate of the appointment of said managers, and of the last mentioned order of the House.—(p. 596.)

Message from Sen-
ate, when to re-
ceive managers.

A message was received from the Senate informing the House of the time at which it would resolve itself into a Court of Impeachment, when it would receive the managers appointed to exhibit the article of impeachment.—(p. 603.)

Rep’t of managers.

The managers having carried said article to the Senate, made report of the fact to the House.—(p. 605.)

Senate notifies
House of its pro-
ceedings.

The Senate notified the House of its issue of summons to Judge Peck, (p. 606,) and of its order that he file his answer and plea with its Secretary by a certain day.—(p. 625.)

House determined
to go into Commit-
tee of the Whole
and attend in Sen-
ate at trial.

The House resolved that it would, on the day above named, “and at such hour as the Senate shall appoint, resolve itself into a Committee of the Whole House, and attend in the Senate” on the trial of the said impeachment.—(p. 714.)

Senate ready to
proceed upon trial,
and to receive the
House.

The Senate on same day notified the House “that it was ready to proceed upon the impeachment of James H. Peck, judge, &c., in the Senate chamber; which chamber

was prepared with accommodations for the reception of the House of Representatives.”—(p. 717.)

Thereupon the House resolved itself into a Committee of the Whole House, and proceeded to the Senate in that capacity; having spent some time therein, they returned into the chamber of the House, and the Speaker having resumed the chair, the chairman of the Committee of the Whole reported the proceedings which had taken place, and that the Senate, sitting as a high court of impeachment, had adjourned to meet at the next session.—(p. 717.)

At the next session, (2, 21,) Mr. Buchanan, from the managers, reported to the House a replication to the answer and plea of Judge Peck, which was agreed to by the House; and the said managers were instructed to maintain the same at the bar of the Senate; and the Senate were informed thereof.—(pp. 47, 48.)

The Senate notified the House of their readiness to proceed to the trial, (p. 52,) and the House resolved that from day to day it would resolve itself into a Committee of the Whole and attend the same.—(p. 97.)

Subsequently, the House resolved that the managers be instructed to attend the trial, and that the attendance of the House be dispensed with until otherwise ordered.—(p. 141.)

The managers having announced that the testimony had closed, (p. 175,) the House resolved that during the argument of counsel it would from day to day attend in the Senate.—(p. 186.)

The report of the final action of the Senate in the case, made to the House by the chairman of the Committee of the Whole.—(p. 236.)

The rules of proceedings of the Senate in cases of impeachment will be found in “*Trial of Judge Peck*, pp. 56 to 59.]

For further information on the subject of impeachment, see “Chase’s Trial” and “Trial of Judge Peck.”

INDEFINITE POSTPONEMENT.

(See POSTPONE, MOTION TO.)

INDEXES.

To the journal. "The Clerk shall, within thirty days after the close of each session of Congress, cause to be completed the printing and primary distribution to members and delegates of the journal of the House, together with an accurate index to the same."—*Rule 142.*

To the laws. "The Clerk shall cause an index to be prepared to the acts passed at every session of Congress, and to be printed and bound with the acts."—*Rule 146.* [The Clerk has been relieved of the duty required by this rule by the joint resolution of September 26, 1850, which directs that the annual Statutes at Large, published by Little & Brown (and indexed by them) be contracted for instead of the edition previously issued by order of the Secretary of State.—*Stat. at Large, vol. IX, p. 564.*]

To other documents. It also devolves upon the Clerk's office, under the usage, to prepare indexes to "Executive Documents," "Miscellaneous Documents," "Reports of Committees," "Reports of Court of Claims," "Bills and Joint Resolutions," &c.

INDIAN AFFAIRS, COMMITTEE ON.

When appointed, and number of. There shall be appointed at the commencement of each session a Committee on Indian Affairs, to consist of nine members.—*Rule 76.*

Duties of. [There are no duties assigned to this committee by the rules.]

INTERESTED.

Member not to vote where. "No member shall vote on any question in the event of which he is immediately interested."—*Rule 40.* [As to the *kind* of interest here alluded to, the true construction doubtless is, that it shall be a direct *personal* or *pecuniary* one.—See *note to said rule.*]

INTERNAL IMPROVEMENT BILLS.

Division of question on items of. "Upon the engrossment of any bill making appropriations of money for works of internal improvement of any

kind or description, it shall be in the power of any member to call for a division of the question, so as to take a separate vote of the House upon each item of improvement or appropriation contained in said bill, or upon such items separately, and others collectively, as the members making the call may specify; and if one fifth of the members present second said call, it shall be the duty of the Speaker to make such divisions of the question, and put them to vote accordingly.”—*Rule 151.*

INVALID PENSIONS, COMMITTEE ON.

There shall be appointed, at the commencement of each session, a Committee on Invalid Pensions, to consist of ^{When appointed, and number of.} nine members.—*Rule 76.*

“It shall be the duty of the Committee on Invalid ^{Its duties.} Pensions to take into consideration all such matters respecting invalid pensions as shall be referred to them by the House.”—*Rule 97.*

JEFFERSON’S MANUAL.

“The rules of parliamentary practice comprised in Jefferson’s Manual shall govern the House in all cases to ^{To govern where applicable, and not inconsistent with rules.} which they are applicable, and in which they are not inconsistent with the Standing Rules and Orders of the House and Joint Rules of the Senate and House of Representatives.”—*Rule 139.*

JOINT RESOLUTIONS.

[The resolving clause of a joint resolution is, “Be it ^{Resolving clause.} resolved by the Senate and House of Representatives of the United States of America in Congress assembled;”] and, in all respects, joint resolutions are governed by the ^{Governed by same rules as bills.} same rules as bills, the word “bills,” where it occurs in the rules, being held to apply equally to a “joint resolution.”—*Cong. Globe*, 3, 27, p. 384.

JOURNAL.

“Each house shall keep a journal of its proceedings, ^{House shall keep.} and from time to time publish the same, excepting such

And publish.

Yeas and nays, when to be entered on.

Veto message and yeas and nays on vetoed bill to be entered on.

House may judge what are proceedings.

Effect of erroneous announcement of a vote upon subsequent record.

Speaker shall examine.

When to be read.

Written motions to be inserted on.

To be entered on must be entertained by Speaker.

Name of member offering petition to be entered on.

parts as may in their judgment require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of the members present, be entered on the journal."—*Const.*, 1, V, 9.

The Constitution of the United States requires that "objections" returned to the House by the President with a bill shall be entered "at large on their journal;" and, in all cases, the votes of both houses on the passage of a bill so returned shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively.—*Const.*, 1, 7, p. 10.

The House may judge what are and what are not "proceedings."—*Journal*, 1, 29, p. 1047.

All proceedings of the House subsequent to the erroneous announcement of a vote, which would have been irregular if such vote had been correctly announced, are to be treated as a nullity, and are not to be entered on the journal.—*Journals*, 1, 29, p. 1032; 1, 31, p. 1436.

"The Speaker shall examine and correct the journal before it is read."—*Rule* 6. And every day after taking the chair, "on the appearance of a quorum, shall cause the journal of the preceding day to be read."—*Rule* 1. [Since the rule authorizing the presentation of petitions in the House has been rescinded, that portion of the journal which contains the record of petitions handed to the Clerk is never read, but is published.]

"Every *written* motion made to the House shall be inserted on the journals, with the name of the member making it, unless it be withdrawn on the same day on which it was submitted."—*Rule* 44. [And such motions are often inserted even where subsequently withdrawn, especially where a vote is taken intermediately between its being submitted and withdrawal. All motions, however, to be entered on the journal must be first *entertained* by the Speaker.]

The name of the member who presents a petition or memorial, or who offers a resolution to the consideration of the House, shall be inserted on the journal.—*Rule* 60. [Indeed, the practice is to insert the name of the

member who may submit any proposition which is entertained by the Speaker.]

“The hour at which every motion to adjourn is made shall be entered on the journal.”—*Rule 49.*

Hour of motion to adjourn to be entered on.

“Members having petitions and memorials to present may hand them to the Clerk, endorsing the same with their names, and the reference or disposition to be made thereof; and such petitions and memorials shall be entered on the journal, subject to the control and direction of the Speaker; and if any petition or memorial be so handed in which, in the judgment of the Speaker, is excluded by the rules, the same shall be returned to the member from whom it was received.”—*Rule 24.* [The entry of petitions, &c., above directed, is construed to require simply the entry of a brief statement of its contents, its reference, &c.]

Petitions to be entered on, subject to control of the Speaker.

The names of the absentees reported upon a roll call in Committee of the Whole “shall be entered on the journal.”—*Rule 126.*

Absentees in Committee of the Whole to be entered on.

The day of presentation of a bill to the President shall be carefully entered on the journal.—*Joint Rule 9.*

Date of presentation of bill to President to be entered on.

A demand to enter a protest upon the journal does not present a question of privilege.—*Journal*, 2, 33, p. 451.

Demand to enter protest on, not a question of privilege.

A motion being made to amend the journal while it is passing under the judgment of the House for approval, should said motion to amend be laid on the table the journal does not accompany it.—*Journal*, 1, 26, p. 28.

Motion to amend being laid on table, journal does not accompany it.

When a member's vote is *incorrectly* recorded, it is his right, on the next day, to have the journal corrected accordingly.—*Journal*, 2, 30, p. 211. But it is not in order to change a *correct record* of a vote given under a *misapprehension*.—*Journal*, 1, 31, p. 1266.

Correction of recorded vote.

“All questions of order shall be noted by the Clerk, with the decision, and put together at the end of the journal of every session.”—*Rule 111.*

Questions of order to be put at end of.

“The Clerk shall, within thirty days after the close of each session of Congress, cause to be completed the printing and primary distribution to members and delegates of the journal of the House, together with an accurate index to the same.”—*Rule 142.*

Primary distribution of, to be made in thirty days after close of session.

Printed copy of, to be sent to governor, &c.

“It shall be the duty of the Clerk of the House, at the end of each session, to send a printed copy of the journal thereof to the executive and to each branch of the legislature of every State.”—*Rule 110.*

Extracts from, admitted as evidence in courts.

Extracts from the journal, duly certified by the Clerk, shall be admitted as evidence in the several courts of the United States, and shall have the same force and effect as the original thereof would have if produced in court and proved.”—*Stat. at Large, vol. IX, p. 80.*

JUDICIARY, COMMITTEE ON THE.

When appointed, and of what number.

There shall be appointed, at the commencement of each session, a Committee on the Judiciary, to consist of nine members.—*Rule 76.*

Its duties.

“It shall be the duty of the Committee on the Judiciary to take into consideration such petitions and matters or things touching judicial proceedings as shall be presented, or may come in question, and be referred to them by the House; and to report their opinion thereon, together with such propositions relative thereto as to them shall seem expedient.”—*Rule 87.*

LAWS OF THE U. S.

Little & Brown's edition of session laws to be furnished.

By the joint resolution of September 26, 1850, it is provided, “that the Secretary of State be authorized and directed to contract with Little & Brown to furnish their annual Statutes at Large, printed in conformity with the plan adopted by Congress in 1845, instead of the edition usually issued by his order under the act of Congress of April 20, 1818, and which conforms to an edition of the laws now in use.”—*Stat. at Large, vol. IX, p. 564.*

Whole number contracted for.

By the act of April 20, 1818, above referred to, of the 11,000 copies of the session laws directed to be published and distributed under the direction of the Secretary of State, there shall be distributed “to each member of the House of Representatives and delegates in Congress from any Territory, one copy each;” and “fifty copies to the Clerk of the House of Representatives, for the general use of the committees and members of the House. And

One copy for each member.
50 copies to the Clerk for the use of members and committees.

it is further provided “that 300 of the said copies shall be annually placed in the Library of Congress; and every member of Congress and every delegate shall be entitled to the use of a copy during the session, to be returned and accounted for, &c.” 300 copies to Library for use of members.

By the act of March 3, 1845, the Attorney General is authorized to contract with Messrs. Little & Brown for one thousand copies of their proposed edition of the laws and treaties of the United States, according to the plan in said law set forth.—*Stat. at Large, vol. V, p. 798.* Of which number, by the act of August 8, 1846, there are to be distributed under the direction of the Secretary of State “two hundred and eighty copies to the Librarian of Congress for the use of the members of the Senate and House during the sessions of Congress,” and “fifty copies to the Clerk of the House of Representatives, for the chambers and committee rooms of the House.”—*Stat. at Large, vol. IX, p. 75.* 1,000 copies of Statutes at Large.
280 copies for Library for use of members.
50 copies to Clerk for use of committees, &c.

By the act of February 5, 1859, the distribution provided for in the foregoing acts is directed to be made by the Secretary of the Interior; and of the number of Statutes at Large heretofore deposited in the Library of Congress for the use of members, it was directed that after retaining ten copies, two-thirds of those remaining should be transferred to the Library of the House.—*Stat. at Large, vol. XI, p. 379.* Secretary of Interior to distribute.
Copies to be transferred to House Library.

LIBRARY OF CONGRESS.

By the act of April 24, 1800, the first appropriation for the purchase of books for the use of Congress, and for the fitting up in the Capitol an apartment therefor, was made; and said purchase was directed to be made by the Secretary of the Senate and Clerk of the House, “pursuant to such directions as shall be given and such catalogue as shall be furnished by a joint committee of both houses of Congress, to be appointed for that purpose;” and the regulations of said library were to be such “as the committee aforesaid shall devise and establish.”—*Stat. at Large, vol. II, p. 56.* First appropriation for.

President of Senate
and Speaker to
make regulations
for.

By the act of January 26, 1802, the President of the Senate and the Speaker of the House for the time being are "empowered to establish such regulations and instructions in relation to the said library as to them shall seem proper, and from time to time to alter or amend the same: *Provided*, That no regulation shall be made repugnant to any provision contained in this act." It confers the appointment of the Librarian upon "the President of the United States solely," and provides further, "that no map shall be permitted to be taken out of said library by any person; nor any book, except by

President of U. S.
to appoint Librarian.

Who may take
books from.

the President and Vice President of the United States and members of the Senate and House of Representatives for the time being;" and "that the unexpended balance of the sum of \$5,000 appropriated by the act of Congress aforesaid for the purchase of books and maps for the use of the two houses of Congress, together with such sums *as may hereafter be appropriated* to the same purpose, shall be laid out under the direction of a joint committee, to consist of three members of the Senate and three members of the House of Representatives."—*Stat. at Large*, vol. II, p. 129.

Joint Committee
on.

Privilege of using
books in, extended.

By the acts of May 1, 1810, (*Stat. at Large*, vol. II, p. 612;) March 2, 1812, (*Ibid.*, p. 786;) April 16, 1816, (*Stat. at Large*, vol. III, p. 284;) January 13, 1830, (*Stat. at Large*, vol. IV, p. 429,) the privilege of using books in said library, with the consent of the President of the Senate and Speaker of the House, was extended to the agent of the Library Committee, judges of the Supreme Court, Attorney General, members of the diplomatic corps, heads of departments, Secretary of the Senate, Clerk of the House, Chaplains of Congress, and, while in the District of Columbia, ex-Presidents of the United States.

Law library estab-
lished.

Supreme judges to
make regulations
for.

By the act of July 14, 1832, the Librarian was directed to remove the law books into a separate apartment to be prepared for the purpose of a law library, and the justices of the Supreme Court were "authorized to make rules and regulations for the use of the same by themselves and the attorneys and counsellors, during the sittings of

the said court, as they shall deem proper: *Provided*, such rules and regulations shall not restrict the President of the United States, the Vice President, or any member of the Senate or House of Representatives, from having access to the said library, or using the books therein, in the same manner that he now has, or may have, to use the books of the Library of Congress.”—*Stat. at Large*, vol. IV, p. 579.

LIBRARY OF CONGRESS, JOINT COMMITTEE ON.

“There shall be a Joint Committee on the Library, to consist of three members on the part of the Senate and three on the part of the House of Representatives, to ^{To be appointed, and of what number.} superintend and direct the expenditure of all moneys appropriated for the library, and to perform such other ^{Duties of.} duties as are or may be directed by law.”—*Joint Rule 20*.

[This committee is usually appointed at the commencement of each session.] ^{When appointed.}

(See also LIBRARY OF CONGRESS.)

LIBRARY OF THE HOUSE.

“There shall be retained in the library of the Clerk’s office for the use of the members there, and not to be ^{Two copies of all public documents to be retained in.} withdrawn therefrom, two copies of all the books and printed documents deposited in the library.”—*Rule 143*.

LIE ON THE TABLE, MOTION TO.

Under the parliamentary law, this motion is only made ^{For what purpose usually made.} “when the House has something else which claims its present attention, but would be willing to reserve in their power to take up a proposition whenever it shall suit them.”—*Manual*, p. 96. [But in the House of Representatives it is usually made for the purpose of giving a proposition or bill its “death blow;” and when it prevails, the measure is rarely taken up again during the session.]

By the 46th rule it is provided that when a question is under debate the motion to lie on the table takes precedence of every other motion except the motion to adjourn. ^{Takes precedence of all other motions, except to adjourn.}

“The motion to lie on the table shall be decided without debate.”—*Rule 48*. ^{Not debatable.}

“In general, whatever adheres to the subject of this motion goes on the table with it, as, for example, where ^{In general, carries to the table whatever is connected with subject of it.}

Exceptions. a motion to amend is ordered to lie on the table, the subject which it is proposed to amend goes there with it."—*Cushing*, p. 565. But it is not so with the journal, where it is voted to lay upon the table a proposed amendment thereto—*Journal*, 1, 26, p. 28; nor with the subject out of which a question of order may arise, where the appeal is laid on the table, the decision of the Chair being thereby virtually sustained—*Journal*, 1, 26, p. 529; nor with the bill or other proposition, where the motion to reconsider a vote thereon is laid on the table.—*Journals*, *passim*.

Not precluded by order of main question. An order for the main question to be put does not preclude the motion to lie on the table, but it may be made at any stage of the proceedings between the demand for the previous question and the final action by the House under it.—*Journals*, 1, 28, p. 490; 1, 30, p. 175.

Where motion cannot be repeated. Where a motion has already been made and negatived to lay a bill on the table, and no change or alteration has been made in the bill, or no proceeding directly touching its merits has since taken place, the motion to lie on the table cannot be repeated.—*Journal*, 2, 27, p. 890. [But under the invariable practice, the motion may be entertained at every new stage of the bill or proposition, and upon any proceeding having been had touching its merits.]

Carries with it motions to print. Where a bill is laid on the table pending the motions to refer and print, the motion to print, as well as all other motions connected with it, accompanies it.—*Journal*, 2, 32,

Where motion to lie and print is made. p. 195. But where, as in case of a message, report, &c., it is moved to lie on the table and print, the said motion may be voted on as an entirety, or, under the 53d rule, it may be divided, and a separate vote taken on each branch of the motion.—*Journal*, 1, 32, p. 337.

Negative vote on, may be reconsidered. A negative vote on a motion to lie on the table may be reconsidered.—*Journal*, 2, 32, p. 234.

Where a motion to reconsider is laid on the table, it cannot be reconsidered. If a motion to reconsider be laid on the table, the latter vote cannot be reconsidered.—*Journals*, 3, 27, p. 334; 1, 33, p. 357.

Bill may be laid on table pending consideration of Senate amendments there-to. The motion to lie on the table is in order pending the consideration of Senate amendments to a bill.—*Journal*, 1, 33, p. 1250.

The following propositions are required by the rules to lie on the table one day, viz: Propositions which lie on table one day.

Every order, resolution, or vote, to which the concurrence of the Senate shall be necessary, unless the House shall otherwise expressly allow—*Rule 59*; calls on the President or Departments for information—or to print extra numbers of any document, except the annual message and the documents connected with or referred to in it, unless otherwise ordered by unanimous consent—and to be taken up in the order of presentation after reports from select committees are received—*Rule 61*; notices of motions to rescind or change a standing rule or order—*Rule 136*; and notices of motions for leave to introduce bills—*Rule 114*. Orders, &c., requiring concurrence of Senate. Calls on departments and to print extra copies. Motion to change rules. Notices of bills.

LOBBY.

“In case of any disturbance or disorderly conduct in the galleries or lobby, the Speaker (or chairman of the Committee of the Whole House) shall have power to order the same to be cleared.”—*Rule 16*. May be cleared.

MACE.

By a resolution of the House of April 14, 1789, (*Journal*, 1st Cong., p. 14,) it was directed that a proper symbol of office should be provided for the Sergeant-at-Arms, of such form and device as the Speaker should direct; and by *Rule 68* it is directed that “the symbol of his office (the mace) shall be borne by the Sergeant-at-Arms when in the execution of his office.” Directed to be provided. To be borne by Sergeant-at-Arms when in execution of his office.

MAPS.

“Maps accompanying documents shall not be printed, under the general order to print, without the special direction of the House.”—*Rule 148*. Not to be printed without special direction.

(See ENGRAVING.)

MANUFACTURES, COMMITTEE ON.

There shall be appointed at the commencement of each session a Committee on Manufactures, to consist of nine members.—*Rule 76*. When appointed and number of.

[There are no duties assigned to this committee by the rules.] Duties of.

MEETING OF CONGRESS.

Shall be on first
Monday in Decem-
ber.

“The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.”—*Const.*, 1, 4, 8.

President may call.

“The President may, on extraordinary occasions, convene both Houses, or either of them.”—*Ibid.*, 2, 3, 18.

At the first session.

[On the day fixed for the first meeting of a Congress, either the first Monday of December, or such earlier day as may have been appointed by the President, the mem-

When members
assemble.

bers elect assemble in the Hall of the House of Representatives, and, at the hour of 12 o'clock M., are called to

Called to order by
Clerk.

order by the Clerk of the last House standing at his desk. Having requested the members elect to respond to their

Roll called.

names as called, he proceeds to call the roll by States, beginning with the State of Maine. Having ascertained whether or not a quorum is present, he announces the

Quorum present.

fact to the House. If a quorum shall have answered, it is then usual for some member to move “that the House

Election of Speak-
er.

do now proceed to the election of a Speaker *viva voce*.” The question on this motion having been put by the

Tellers.

Clerk, and decided affirmatively, he then designates four members who shall act as tellers of the vote about to be taken, usually making his selection from members of different parties. The tellers having taken their seats at

Nominations.

the Clerk's desk, and nominations having been made and recorded, the Clerk then proceeds to call the roll of members alphabetically, each member, as his name is called,

Voting for Speaker.

pronouncing audibly the name of the person voted for, and the Clerk (through one of his assistants) recording the name of the member voting in a column under that of the member voted for. After the roll call is completed and every member present (and desiring it) has voted, the lists of voters for each candidate are read over by the

Announcement
vote.

of Clerk, when one of the tellers rises and announces to the House what number of votes each candidate has received.

When no one
elected.

If no person shall have received a majority of all the votes given, the House then proceeds (if no other order

be taken) to a *second* vote, and so on until an election is effected. But if any person shall have received a majority of all the votes given, and a quorum have voted, the Clerk declares such person "duly elected Speaker of the House of Representatives for the — Congress." The Clerk then designates two members (usually of different politics, and from the number of those voted for as Speaker) "to conduct the Speaker elect to the chair;" and also one member (usually that one who has been longest a member of the House) "to administer to him the oath required by the Constitution of the United States." Having been conducted to the chair and taken the oath, it is usual for the Speaker to deliver to the House a brief address, which being concluded he then takes his seat as the presiding officer of the House. The Speaker then directs the Clerk to call the roll of members by States, requesting each member, as his name is called, to approach the chair, when he administers to them the oath to support the Constitution of the United States. The delegates from the Territories are then called and sworn.

Where
elected. Speaker

Conducted to chair
and sworn.

Members and dele-
gates sworn.

At this stage it is usual for the House to adopt an order "that a message be sent to the Senate to inform that body that a quorum of the House of Representatives has assembled, and that — —, one of the representatives from the State of — —, has been chosen Speaker, and that the House is now ready to proceed to business."

Senate notified of
presence of a quo-
rum and election
of Speaker.

And then, or upon the receipt of a message from the Senate informing the House of the presence of a quorum in that body, it is usual for the House to adopt the following order: "That a committee of three members be appointed on the part of the House, to join such committee as may be appointed on the part of the Senate, to wait on the President of the United States, and inform him that a quorum of the two houses has assembled, and that Congress is ready to receive any communication he may be pleased to make."

Committee to wait
on President.

It is then usual to adopt a resolution providing "that the rules and orders of the last House of Representatives be adopted for the government of this House until otherwise ordered."

Rules of last House
adopted.

Election of officers. The election of officers is next proceeded with, which being completed, the House may be considered as fully organized.

Hour of daily meeting, order for newspapers. Orders providing for the hour of the daily meeting of the House, and for furnishing members with newspapers, are amongst the earliest that are thereafter adopted.]

[The foregoing are the proceedings which *usually* take place upon the assembling of a new House of Representatives, and which generally occur on the *first day* of the meeting of Congress.]

Delay in the organization. There have been occasions, however, where the proceedings were very different, and where the organization of the House was much longer delayed. In the 26th Congress, where the Clerk, upon the call of the roll by States for the ascertainment of the presence of a quorum, proposed to omit the call of either of the claimants for each of several contested seats, on the fifth day of the session a chairman was appointed "to serve until the organization of the House by the election of a Speaker," and such election did not take place until eleven days thereafter.—*Journal*, 1, 26, pp. 6, 79.

Contested seats. Chairman appointed.

Failure of majority to vote for Speaker. In the 31st Congress, by reason of the failure of a majority to vote for any one candidate, there was no election of Speaker for nearly a month after the meeting.—*Journal*, 1, 31, p. 3 to 164.

And in the 34th Congress, for the same cause, an election of Speaker did not take place for two months after the meeting.—*Journal*, 1, 34, p. 3 to 446.

Clerk presides, but does not decide questions of order. During the two last named periods, while the House was without a Speaker, the Clerk presided over its deliberations; not, however, exercising the functions of Speaker to the extent of deciding questions of order, but, as in the case of other questions, putting them to the House for its decision.

Speaker elected by plurality vote. On both of the last named occasions a Speaker was finally elected by a *plurality* vote; such mode of election, however, was previously authorized by a resolution of the House, and subsequently confirmed by a resolution declaring him "duly elected."—*Journals*, 1, 31, pp. 156, 163, 164; 1, 34, pp. 429, 430, 444.

[At a second or subsequent session of Congress the members are called to order by the Speaker, when he causes the Clerk to call the roll of members by States for the purpose of ascertaining whether or not a quorum is present. As soon as a quorum have answered, it is usual for the House to pass an order "that the Clerk inform the Senate that a quorum of the House of Representatives has assembled, and is ready to proceed to business;" and subsequently, as at the first session, to pass an order for the appointment of a committee to wait on the President. An order is also passed fixing, until otherwise ordered, the hour of daily meeting.]

At a second or subsequent session.
Notify Senate of quorum.
Committee to wait on President.
The hour of daily meeting fixed.

MEMBERS.

"No person shall be a representative who shall not have attained the age of twenty-five years, and have been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen."—*Const.*, 1, 2, p. 5.

"Each house shall be the judge of the elections, returns, and qualifications of its own members."—*Ibid.*, 1, 5, p. 8.

House shall judge of election, &c., of.

(See ELECTIONS, CONTESTED.)

"When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies."—*Ibid.*, 1, 2, p. 6.

Vacancies, how filled.

"Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States."—*Ibid.*, 1, 6, p. 9.

Shall receive compensation.

(See also COMPENSATION and MILEAGE.)

"The oath or affirmation required by the sixth article of the Constitution of the United States, to wit: 'I, A B, do solemnly swear or affirm (as the case may be) that I will support the Constitution of the United States,' shall be administered at the first session of Congress after every general election of representatives, first by any one of the members to the Speaker, and by him to all the members present, and to the Clerk previous to entering on any business, and to the members who shall afterwards

Oath to be administered to.

appear previous to taking their seats.”—*Stat. at Large*, vol. 1, p. 23.

Members not to be appointed to office.

“No representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a member of either house during his continuance in office.”—*Const.*, 1, 6, 9.

Government officers not to be members.

No member to be an elector.

“No representative shall be appointed an elector.”—*Const.*, 2, 1, p. 15.

Privileges.

“The senators and representatives shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.”—*Const.*, 1, 6, p. 9.

(See PRIVILEGE.)

May be punished and expelled.

“Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.”—*Const.*, 1, 5, p. 8.

Bribery of.

By the act of February 26, 1853, it is provided that if any person shall bribe or offer to bribe a member of Congress, or officer or person holding any place of trust or profit, or discharging any official function under the House of Representatives, he shall, on conviction thereof, be fined not exceeding three times the amount so offered or given, and imprisoned in a penitentiary not exceeding three years; and the person convicted of in any wise accepting or receiving the same, or any part thereof, shall be subject to the same penalty; and if an officer, or person holding any such place of trust or profit as aforesaid, shall forfeit his office or place; and any person so convicted shall forever be disqualified to hold any office of honor, trust, or profit, under the United States.—*Stat. at Large*, vol. 10, p. 171.

Accepting bribes.

(See BRIBERY.)

By the same act it is provided that if any member of Congress shall, for compensation paid or to be paid, act as agent or attorney for, or aid in the prosecution or support of any claim or claims against the United States, he shall, on conviction, pay a fine not exceeding five thousand dollars, or suffer imprisonment in the penitentiary not exceeding one year, or both, at the discretion of the court.—*Ibid.*, p. 170.

Forbidden to act for claimants for compensation paid or to be paid.

By the act of April 21, 1808, it is provided that no member of Congress shall be interested in any public contract under a penalty of three thousand dollars fine; and if any officer of the United States, on behalf of the United States, shall make such a contract with a member of Congress, he shall be liable to the same penalty.—*Stat. at Large*, Vol. 2, p. 404.

Not to be interested in public contracts.

By the act of March 1, 1847, it is provided that members of Congress and delegates shall have the power to receive and send free of postage, from the commencement of their terms of office up to the first Monday of December following its expiration, all letters and packages not weighing over two ounces, and public documents.—*Stat. at Large*, Vol. 9, p. 148. "Public documents" are defined by the act of March 3, 1847, to be "such publications or books as have been or may be published, procured, or purchased by order of either house of Congress."—*Ibid.*, p. 201. The amount of postage charged by reason of excess of weight upon any letters, &c., received during the session, touching their official or legislative duties, shall be paid out of the contingent fund of the House.—*Stat. at Large*, Vol. 5, p. 734.

Franking privilege of.

"No member shall absent himself from the service of the House, unless he have leave, or be sick, or unable to attend."—*Rule 66*.

Shall not absent themselves.

"A smaller number than a quorum may be authorized to compel the attendance of absent members in such manner and under such penalties as each house may provide."—*Const.*, 1, 5, p. 8.

Less than a quorum may be authorized to compel attendance of absent.

"Any fifteen members (including the Speaker, if there be one) shall be authorized to compel the attendance of absent members."—*Rule 65*. (See CALLS OF THE HOUSE.)

Attendance of, may be compelled by fifteen members.

Department of, in
the House.

“While the Speaker is putting any question, or addressing the House, none shall walk out of or across the House; nor in such case, or when a member is speaking, shall entertain private discourse; nor while a member is speaking, shall pass between him and the chair. Every member shall remain uncovered during the session of the House. No member or other person shall visit or remain by the Clerk’s table while the ayes and noes are calling, or ballots are counting.”—*Rule 39.*

When not to visit
Clerk’s desk.

“No member shall vote on any question in the event of which he is immediately and particularly interested, or in any case where he was not within the bar of the House when the question was put. And when any member shall ask leave to vote, the Speaker shall propound to him the question: ‘Were you within the bar when your name was called?’ ”—*Rule 40.* And “upon a division and count of the House on any question, no member without the bar shall be counted.”—*Rule 41.*

(See BAR OF THE HOUSE.)

Shall vote if in
House, unless ex-
cused.

“Every member who shall be in the House when the question is put shall give his vote unless the House shall excuse him. All motions to excuse a member from voting shall be made before the House divides, or before the call of the yeas and nays is commenced, and the question shall then be taken without debate.”—*Rule 42.*

Names to be called
alphabetically.

“Upon calls of the House, or on taking the yeas and nays on any question, the names of the members shall be called alphabetically.”—*Rule 62.*

Need not serve on
more than two
committees.

“Any member may excuse himself from serving on any committee at the time of his appointment if he is then a member of two other committees.”—*Rule 9.*

MESSAGES FROM THE PRESIDENT.

Shall from time to
time give informa-
tion and recom-
mend measures.

“The President shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient.”—*Const.*, 2, 3, p. 18.

Annual message.

The annual message of the President, with the accompanying documents, is usually communicated to the House at the commencement of each session, but usually not

until after he has been notified through a joint committee of the two houses that a quorum of each body has assembled, and is ready to receive any communication he may be pleased to make; although it was otherwise in the 34th Congress, the message having been communicated on the 31st of December, not only before the appointment of such committee, but before the election of the Speaker, which latter did not take place until the 2d of February.—See *Journal*, 1, 34, pp. 221 to 228, 231, 233, 444, 511.

All messages from the President are in writing, and are sent to the House by his private secretary or such other person as he may delegate, and, as in the case of messages from the Senate, are announced at the door by the doorkeeper and handed to the Speaker, who places them upon his table, to be taken up whenever the House, under the 27th Rule, shall go to the business thereon. In the case of the annual message, however, it is usually taken up, by unanimous consent, as soon as received. Whenever taken up, messages from the President are always read *in extenso*, the House never, as in the case of other communications, dispensing with the reading of the same. Besides the regular number, the usual number of extra copies of the annual message and accompanying documents ordered to be printed is 20,000.

“Where the subject of a message is of a nature that it can properly be communicated to both houses of Parliament, it is expected that this communication should be made to both on the same day. But where a message was accompanied with an original declaration, signed by the party to which the message referred, its being sent to one house was not noticed by the other, because the declaration, being original, could not possibly be sent to both houses at the same time.”—*Manual*, p. 127. [So, too, in Congress, where they can be properly made, communications are expected to be made to both houses on the same day, except where the communication may be in response to a call from one branch only. The parliamentary practice prevails, too, in regard to the communication of an original paper.—See *Journal*, 1, 35, p. 270.]

How announced.

When taken up.

Always read.

Number of extra copies of annual message.

To be sent to both houses on same day, except in certain cases.

MEMORIALS.

(See PETITIONS.)

MESSAGES FROM THE SENATE.

Doorkeeper shall announce. “When a message shall be sent from the Senate to the House of Representatives, it shall be announced at the door of the House by the doorkeeper, and shall be respectfully communicated to the Chair by the person by whom it may be sent.”—*Joint Rule 2*.

By whom to be sent. “Messages shall be sent by such persons as a sense of propriety in each house may determine to be proper.”—*Joint Rule 4*. [In the House they are commonly sent by its Clerk; in the Senate by its Secretary.]

If in Committee of the Whole, Speaker takes chair to receive. “If the House be in committee when a messenger attends, the Speaker takes the chair to receive the message, and then quits it to return into committee, without any question or interruption.”—*Manual*, p. 126. [It is the practice of the House to receive messages promptly upon the appearance of the messenger, and without regard to the business in hand; in case a member is occupying the floor in debate, he suspends his remarks until the announcement is made and the message received, and a call of the yeas and nays is not unfrequently suspended for the same purpose, but when received it is placed upon the Speaker’s table, to be taken up at the time indicated in the *27th Rule*, viz: after “messages and other Executive communications.”]

Received promptly. “If messengers commit an error in delivering their message, they may be admitted or called in to correct their message.”—*Manual*, p. 126; *Journal*, 1, 2, pp. 171, 172.

If error committed in message.

MILEAGE.

Eight dollars for every 20 miles. By the act of January 22, 1818, it is provided that each member and delegate shall be “allowed eight dollars for every twenty miles of the estimated distance by the most usual road from his place of residence to the seat of Congress, at the commencement and end of every session.”—*Stat. at Large*, vol. 3, p. 404. The act of

August 16, 1856, provides that such mileage shall be for "two sessions only," to be paid at the commencement of each "regular session."—*Stat. at Large*, vol. 11, p. 48. For two sessions only.

"It shall be the duty of the Sergeant-at-Arms to keep the accounts for pay and mileage of members; to prepare checks, and, if required to do so, to draw the money on such checks for the members, (the same being previously signed by the Speaker, and endorsed by the member,) and pay over the same to the member entitled thereto."—*Rule 70.* Accounts for, to be kept by Sergeant-at-Arms.

By the joint resolution of March 3, 1859, it is provided, in reference to members who may die after the commencement of the Congress to which he shall have been elected, that "in no case shall constructive mileage be computed or paid."—*Stat. at Large*, vol. 11, pp. 442, 443. Constructive, not allowable in case of a member who may die.

MILEAGE, COMMITTEE ON.

There shall be appointed at the commencement of each session a Committee on Mileage, to consist of five members.—*Rule 76.* When appointed, and number of.

"It shall be the duty of the Committee on Mileage to ascertain and report the distance to the Sergeant-at-Arms, for which each member shall receive pay."—*Rule 103.* Shall ascertain and report mileage of each member.

MILITARY AFFAIRS, COMMITTEE ON.

There shall be appointed at the commencement of each session a Committee on Military Affairs, to consist of nine members.—*Rule 76.* When appointed, and number of.

"It shall be the duty of the Committee on Military Affairs to take into consideration all subjects relating to the military establishment and public defence which may be referred to them by the House, and to report their opinion thereupon; and also to report, from time to time, such measures as may contribute to economy and accountability in the said establishment."—*Rule 91.* Its duties.

MILITIA, COMMITTEE ON THE.

There shall be appointed at the commencement of each session a Committee on the Militia, to consist of nine members.—*Rule 76.* When appointed and number of.

"It shall be the duty of the Committee on the Militia Its duties.

to take into consideration and report on all subjects connected with the organizing, arming, and disciplining the militia of the United States.”—*Rule 92.*

MORNING HOUR.

What is the
“morning hour.”

The “morning hour,” as it is called, is the hour after the reading of the journal, which, under the 23d and 25th *Rules*, has been “devoted to reports from committees and resolutions,” and after the expiration of which it is in order, under the 27th *Rule*, to entertain a motion that the House do now proceed to dispose of the business on the Speaker’s table, &c.” And under the general practice it is held that this hour begins to run from the announcement by the Speaker that reports from committees are in order.

When it com-
mences to run.

MOTIONS.

For fullest information in regard to a particular motion, see under its name, as ADJOURN, LIE ON THE TABLE, &c., &c.

Question of con-
sideration not to be
put in all cases.

“When any motion or proposition is made, the question ‘Will the House now consider it?’ shall not be put unless it is demanded by some member or is deemed necessary by the Speaker.”—*Rule 5.*

When made and
seconded.

“When a motion is made and seconded, it shall be stated by the Speaker, or, being in writing, it shall be handed to the Chair and read aloud by the Clerk before debated.”—*Rule 43.*

Shall be reduced to
writing if required.

“Every motion shall be reduced to writing, if the Speaker or any member desire it. Every *written* motion made to the House shall be inserted on the journals, with the name of the member making it, unless it be withdrawn on the same day on which it was submitted.”—*Rule 44.*

May be withdrawn
before decision or
amendment.

“After a motion is stated by the Speaker or read by the Clerk it shall be deemed to be in the possession of the House, but may be withdrawn at any time before a decision or amendment.”—*Rule 45.*

Precedence of
various motions.

“When a question is under debate no motion shall be received but to adjourn, to lie on the table, for the pre-

vious question, to postpone to a day certain, to commit or amend, to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged.”—*Rule 46.*

“No motion to postpone to a day certain, to commit or to postpone indefinitely, being decided, shall be again allowed on the same day and at the same stage of the bill or proposition.”—*Rule 46.* Such as are not to be repeated at same stage, &c.

“Motions and reports may be committed at the pleasure of the House.”—*Rule 54.* May be committed.

“When a resolution shall be offered or a motion made to refer any subject, and different committees shall be proposed, the question shall be taken in the following order: To commit, order in which question to be taken.

“The Committee of the Whole House on the state of the Union, the Committee of the Whole House, a standing committee, a select committee.”—*Rule 47.*

“A motion to adjourn, and a motion to fix the day to which the House shall adjourn, shall be always in order. These motions and the motion to lie on the table shall be decided without debate.”—*Rule 48.* Always in order

“The hour at which every motion to adjourn is made shall be entered on the journal.”—*Rule 49.* Hour of, to adjourn.

“A motion to strike out and insert shall be deemed indivisible; but a motion to strike out being lost, shall preclude neither amendment nor a motion to strike out and insert.”—*Rule 53.* To strike out and insert.

“A motion to strike out the enacting words of a bill shall have precedence of a motion to amend; and, if carried, shall be considered equivalent to its rejection.”—*Rule 119.* To strike out enacting words.

“All amendments made to an original motion in committee shall be incorporated with the motion, and so reported.”—*Rule 128.* Original, in committee.

NAVAL AFFAIRS, COMMITTEE ON.

There shall be appointed at the commencement of each session a Committee on Naval Affairs, to consist of nine members.—*Rule 76.* When appointed and number of.

Its duties.

“It shall be the duty of the Committee on Naval Affairs to take into consideration all matters which concern the naval establishment, and which shall be referred to them by the House, and to report their opinion thereupon; and also to report from time to time such measures as may contribute to economy and accountability in the said establishment.”—*Rule 93.*

NEWSPAPERS.

Furnished to members.

[There is no standing order in regard to newspapers, but it is the practice of the House at the commencement of each Congress to adopt a resolution providing “that, during the present Congress, the Clerk of the House is authorized to furnish each representative and delegate with the same amount of newspapers authorized by the last House.” The “amount” thus provided for is “not to exceed the cost per *annum* of five daily papers.” (See *Journal*, 1, 33, p. 53.) And an appropriation sufficient to cover this expense is annually made by Congress.]

Reporters for, admitted to gallery on certain conditions.

“Stenographers and reporters, other than the official reporters of the House, wishing to take down the debates, may be admitted by the Speaker to the reporters’ gallery over the Speaker’s chair, but not on the floor of the House; but no person shall be allowed the privilege of said gallery under the character of stenographer or reporter without a written permission of the Speaker, specifying the part of said gallery assigned to him; nor shall said stenographer or reporter be admitted to said gallery unless he shall state in writing for what paper or papers he is employed to report; nor shall he be so admitted, or, if admitted, be suffered to retain his seat, if he shall be or become an agent to prosecute any claim pending before Congress, and the Speaker shall give his written permission with this condition.”—*Rule 18.*

NOMINATIONS.

Where necessary.

“In all cases where other than members of the House may be eligible to an office by the election of the House there shall be a previous nomination.”—*Rule 13.*

NOTICES.

In the case of a bill introduced by motion for leave, "at ^{Of bills.} least one day's notice shall be given of the motion in the House, or by filing a memorandum thereof with the Clerk, and having it entered on the journal; and the motion shall be made and the bill introduced, if leave is given, when resolutions are called for; such motion, or the bill when introduced, may be committed."—*Rule 114.*

(See also *BILLS* page 16 *ante.*)

"No standing rule or order of the House shall be rescinded or changed without one day's notice being ^{Of amendment of the rules.} given of the motion therefor."—*Rule 136.* [There is no authority given, as in the case of notices of bills, to file this notice with the Clerk. Consequently it can only be given in open house, and only at such time as any other independent motion can be made.—*Journal*, 2, 25, p. 536.]

*Days
no pres.*

OBJECTION DAYS.

"On the first and fourth Friday of each month the ^{What are.} calendar of private bills shall be called over, (the chairman of the Committee of the Whole House commencing the call where he left off the previous day,) and the bills to the passage of which no objection shall then be made shall be first considered and disposed of."—*Rule 30.*—[Sometimes the House, under a suspension of the rules, directs that other days than the above be treated as objection days.]

OFFICERS OF THE HOUSE.

(See *ELECTIONS BY THE HOUSE.* Also, *SPEAKER, CLERK, SERGEANT-AT-ARMS, DOORKEEPER, POSTMASTER, PRINTER, PUBLIC.*)

ORDER.

"The Speaker shall preserve order and decorum; may ^{Speaker shall pre-serve.} speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide

Appeal on questions of.

questions of order, subject to an appeal to the House by any two members; on which appeal no member shall speak more than once, unless by leave of the House.”—*Rule 2.* [The “questions of order” here mentioned relate to motions or propositions, their applicability or relevancy, &c.]

Where member called to, for transgressing rules in debate, or for indecorum.

“If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call to order, in which case the member so called to order shall immediately sit down, unless permitted to explain, and the House shall, if appealed to, decide on the case, but without debate. If there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; *if otherwise, he shall not be permitted to proceed, in case any member object, without leave of the House*; and, if the case require it, he shall be liable to the censure of the House.”—*Rule 35.*

Words to be taken down, and must be excepted to before other business occurs.

“If a member be called to order for words spoken in debate, the person calling him to order shall repeat the words excepted to, and they shall be taken down in writing at the Clerk’s table; and no member shall be held to answer, or be subject to the censure of the House for words spoken in debate, if any other member has spoken, or other business has intervened, after the words spoken, and before exception to them shall have been taken.”—*Rule 36.*

Committee cannot punish breach of.

“A committee cannot punish a breach of order in the House. It can only rise and report it to the House, who may proceed to punish.”—*Manual, p. 90; Journal, 1, 28, p. 846.*

During a division Speaker to decide question of, peremptorily.

“If any difficulty arises in point of order during the division, the Speaker is to decide peremptorily, subject to the future censure of the House if irregular.”—*Manual, p. 118.*

Speaker may call member by name.

“If repeated calls do not produce order, the Speaker may call by his name any member obstinately persisting in irregularity.”—*Manual, p. 78.*

Order of business.

(See BUSINESS, DAILY ORDER OF.)

Question of order.

(See APPEAL.)

The Speaker shall proceed to call the orders of the day Orders of the day, when to be considered. as soon as the messages, communications, and bills on his table have been disposed of.—*Rule 27.*

“The unfinished business in which the House was engaged at the last preceding adjournment shall have the Preferred business in the orders of the day. preference in the orders of the day; and no motion on any other business shall be received without special leave of the House until the former is disposed of.”—*Rule 58.*

(See SPECIAL ORDERS.)

Special orders.

PAPERS.

“In all cases of conference asked after a vote of disagreement, &c., the conferees of the house asking it are to leave the papers with the conferees of the other.”—*Manual, p. 125.* With whom to be left in case of conference.

PARLIAMENTARY PRACTICE.

“The rules of parliamentary practice comprised in Jefferson’s Manual shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with the standing rules and orders of the House and joint rules of the Senate and House of Representatives.”—*Rule 139.* Jefferson’s Manual to govern where applicable and not inconsistent with rules.

PATENTS, COMMITTEE ON.

There shall be appointed, at the commencement of each session of Congress, a Committee on Patents, to consist of five members.—*Rule 76.* When appointed, and number of.

“It shall be the duty of the Committee on Patents to consider all subjects relating to patents which may be referred to them, and report their opinion thereon, together with such propositions relative thereto as may seem to them expedient.”—*Rule 99.* Its duties.

PAY OF MEMBERS.

(See COMPENSATION.)

PERSONALITY.

Shall be avoided. Every member "shall confine himself to the question under debate, and avoid personality."—*Rule 31.*
(See also DEBATE and ORDER.)

PETITIONS.

How presented. "Members having petitions and memorials to present may hand them to the Clerk, endorsing the same with their names, and the reference or disposition to be made thereof; and such petitions and memorials shall be entered on the journal, subject to the control and direction of the Speaker; and if any petition or memorial be so handed in which, in the judgment of the Speaker, is excluded by the rules, the same shall be returned to the member from whom it was received."—*Rule 24.*

Only regular mode of presenting. [There is now no other mode of presenting petitions prescribed by the rules, the old rule for presentation in the House having been rescinded December 12, 1853; and when a member desires to have a petition printed, it can only be done by unanimous consent, by a suspension of the rules, or by submitting a resolution to that effect when resolutions are in order.]

How ordered to be printed. Memorials and resolutions from State legislatures can only be presented in order in the manner above prescribed for "petitions and memorials;" but when it is desired to have them printed, unanimous consent therefor is usually accorded.

Memorials, &c., from State legislatures. It is the practice under this rule to allow members to withdraw from the files of the House petitions and other papers presented at former sessions, and refer them as in the case of new petitions; and in order to have it done, it is only necessary for the member to notify the Clerk of his desire by written memorandum.

Withdrawal of old papers for reference to a committee. Where a member desires to withdraw papers from the files for the purpose of reference in the Senate, or to one of the executive departments, it is usual for the House to give its unanimous consent whenever asked. But where the withdrawal is desired for the purpose of returning to

Withdrawal for reference to Senate or a department.

Withdrawal to return to petitioner.

the petitioner, the consent of the House is rarely given, unless it is provided that copies be left on file. And in all cases of withdrawal, except for reference to one of its committees, the consent of the House must first be had.

Withdrawals generally.

Where a member desires the fact of the presentation of a petition by him under the 24th rule to appear in the newspapers of the day, he should furnish the reporters of such newspapers with a memorandum of the same; otherwise, as the proceeding does not occur in open house, no note will be taken of it.

Where member desires that presentation of, appear in newspapers.

Petitions, &c., thus presented are, as required by the rule, entered on the journal, but that portion of the journal is never read in the House.]

Petition part of journal not read in House.

"The name of the member who presents a petition or memorial shall be inserted on the journal.—*Rule 60.*

Name of member presenting entered on journal.

PLURALITY.

"All committees shall be appointed by the Speaker unless otherwise specially directed by the House, in which case they shall be appointed by ballot; and if upon such ballot the number required shall not be elected by a majority of the votes given, the House shall proceed to a second ballot, in which a plurality of votes shall prevail," &c.—*Rule 7.*

Shall prevail on second ballot for members of a committee.

[This is the only case, under the rules, where a plurality of votes may prevail; and as the appointment of committees by the Speaker is almost universally conceded, it can very rarely occur. There have been two occasions, however, within a few years past, where, prior to the adoption of the rules, the election of Speaker has been effected by a plurality vote. But in both instances a resolution providing for such election by a plurality was first adopted by a majority of votes, and afterwards it was declared by a majority vote that the person who received such plurality was duly elected.—*Journals*, 1, 31, *pp.* 156, 163; 1, 34, *pp.* 429, 430, 444.

Election of Speaker by.

POSTMASTER.

To be appointed by
the House.

“The Postmaster, to superintend the post office kept in the Capitol for the accommodation of the members, shall be appointed by the House.”—*Rule 75.*

Furnishes station-
ery to members.

By resolutions of the House of March 4 and 5, 1842, it is provided that the Postmaster of the House be authorized and required to deliver to each member of the House the usual articles of stationery, to an amount not exceeding in value, at the cost price in the stationery room, the

Amount to be fur-
nished.

sum of \$45 for the long and \$25 for the short session of Congress, (this sum fixed by House resolution of September 24, 1850—*Journal*, 1, 31, p. 1510;) that he keep a true and accurate account of all stationery which he may so

Where excess of
stationery furnish-
ed.

deliver to the several members of the House; and if, in any case, a member shall require and receive a greater amount of stationery, during either session, than is above provided, the Postmaster shall, before the close of such session, furnish to the Sergeant-at-Arms an account of such excess beyond the amounts respectively above specified, who is hereby required to deduct the amount of such excess from the pay and mileage of such members, and refund the same into the treasury: *Provided*, That this limitation is not intended to be made applicable to the use of envelope paper which may be required in the folding

Also furnishes sta-
tionery to commit-
tees.

room. And the Postmaster is further authorized to deliver, for the use of the several committees of the House, such stationery as may be required for that purpose by the respective chairmen of such committees, keeping a true and accurate account of the quantity and cost of all so delivered. The Postmaster shall not be at liberty to furnish stationery for the use of any committee, except to the acting chairman thereof, or to his order, nor to any one except to the members of the House and its officers.

Clerk to deliver
stationery to.

And the Clerk is required to deliver to the Postmaster such kind and quantities of stationery as from time to time may be necessary for the use of the House.—*Journal*, 2, 27, p. 495.

Other duties of.

[The Postmaster, with the aid of his assistants, messen-

gers, &c., delivers promptly, upon the arrival of the mails, all mail matter received for members either at his office or at their lodgings; also delivers at the city post office all mail matter deposited in his office by members; he also delivers at their lodgings all books ordered from the library by members, &c., &c.

The Postmaster also prepares, at the commencement of each session, one or more editions of the Congressional Directory.] Prepares Congressional Directory.

POST OFFICE AND POST ROADS, COMMITTEE ON THE.

There shall be appointed, at the commencement of each session, a Committee on the Post Office and Post Roads, to consist of nine members.—*Rule 76.* When appointed, and number of.

“It shall be the duty of the Committee on the Post Office and Post Roads to take into consideration all such petitions and matters or things touching the post office and post roads as shall be presented, or shall come in question, and be referred to them by the House; and to report their opinion thereon, together with such propositions relative thereto as to them shall seem expedient.”—*Rule 85.* Its duties.

POSTPONE, MOTION TO.

“When a question is under debate, no motion shall be received but— Order in which question on, to be put.

to adjourn,
to lie on the table,
for the previous question,
to postpone to a day certain,
to commit or amend,
to postpone indefinitely;

which several motions shall have precedence in the order in which they are arranged; and no motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall be again allowed on the same day, and at the same stage of the bill or proposition.”—*Rule 46.* Not to be repeated on same day and at same stage.

“When a question is postponed indefinitely, the same shall not be acted upon again during the session.”—*Rule 52.* When postponed indefinitely, not to be taken up during session.

Of order of business requires two-thirds vote.

“The order of business, as established by the rules, shall not be postponed or changed, except by a vote of at least two-thirds of the members present.”—*Rule 136.*

Very limited debate on.

Cut off by previous question.

[The motion to postpone, under the practice, admits of but a very limited debate. And whenever the previous question is ordered, the motion to postpone is cut off.

Subject postponed to be taken up when day arrives.

When the consideration of a subject is postponed to a particular day, upon the arrival of that day it is entitled to be taken up, provided no question of privilege or other question of higher dignity be taken up. But if not taken up on that day, and there be no motion to commit pending, it derives no advantage from the postponement.]

If not taken up.

PREAMBLE.

Postponed until other parts of bill are gone through.

“When a bill is taken up in committee, or on its second reading, they postpone the preamble till the other parts of the bill are gone through. The reason is, that on consideration of the body of the bill, such alterations may therein be made as may also occasion the alteration of the preamble.”—*Manual, p. 86.*

In Committee of the Whole, last considered.

By *Rule 127*, in the consideration of bills committed to a Committee of the Whole House, the preamble is left to be last considered.

At what particular stage of bill to be considered.

[In the case of a resolution with a preamble, there is no difficulty as to the time at which the preamble is to be considered, nor in any case in Committee of the Whole; but in the House, in the case of a bill with a preamble, there is some uncertainty as to the particular stage in which the bill must be when it is proper to consider the preamble. It would seem that it might appropriately be done *after the bill has been ordered to be engrossed and read a third time, and before the third reading takes place.* By this course the bill can be engrossed either with or without the preamble as the House shall have determined.]

Subject to a separate demand of previous question.

The preamble is not covered by the previous question ordered upon the passage of the resolution, but is itself subject to a separate demand of the previous question.—*Journal, 1, 34, p. 1217.*

PRESIDENT.

"He shall from time to time give to the Congress in-
formation of the state of the Union, and recommend to
their consideration such measures as he shall judge neces-
sary and expedient; he may, on extraordinary occasions,
convene both houses, or either of them, and, in case of
disagreement between them with respect to the time of
adjournment, he may adjourn them to such time as he
shall think proper."—*Const.*, 2, 2, 18.

Shall give informa-
tion to Congress.

May convene Con-
gress.

May adjourn Con-
gress in case of dis-
agreement.

"Every bill which shall have passed the House of Rep-
resentatives and the Senate shall, before it become a law,
be presented to the President of the United States; if he
approve, he shall sign it; but if not, he shall return it,
with his objections, to that house in which it shall have
originated. * * * * If any bill shall not be returned
by the President within ten days (Sundays excepted) after
it shall have been presented to him, the same shall be a
law, in like manner as if he had signed it, unless the
Congress, by their adjournment, prevent its return, in
which case it shall not be a law."—*Const.*, 1, 7, 10.

Bills after passage
to be presented to.

His powers over
them.

Must be returned
in ten days.

There is a similar provision in regard to "every order,
resolution, or vote to which the concurrence of the Senate
and House of Representatives may be necessary, (except
on a question of adjournment.')"—*Ibid.*, p. 10, 11.

Joint orders, reso-
lutions, and votes.

Where the President is prevented by adjournment from
returning a bill, with his objections, it is usual for him at
the next session to communicate to the house where it
originated his reasons for not approving it.—*Journals*, 2,
12, p. 544; 1, 30, p. 82; 2, 35, p. 151.

Where prevented
by adjournment
from returning a
bill with his objec-
tions.

(See VETO.)

By *Joint Rule* 6 it is provided, that before a bill which
shall have originated in the House is presented to the
President "it shall be duly enrolled on parchment by the
Clerk of the House of Representatives."

Bills to be enrolled
before presented to.

Having been examined and signed by the Speaker and
presiding officer of the Senate, the bill shall be presented
by the Joint Committee on Enrolled Bills to the President
for his approbation, and shall be entered on the journal of

Committee present
bills to.

Time of presentation to, to be reported, &c.

each house. The said committee shall report the day of presentation to the President; which time shall also be carefully entered on the journal of each house.—*Joint Rule 9.*

No bill to be presented to, on last day of session.

“No bill or resolution that shall have passed the House of Representatives and the Senate shall be presented to the President of the United States for his approbation on the last day of the session.”—*Joint Rule 17.* [This joint rule is necessarily suspended near the close of every session.]

Joint address to.

“When the Senate and House of Representatives shall judge it proper to make a joint address to the President, it shall be presented to him in his audience chamber by the President of the Senate, in the presence of the Speaker and both houses.”—*Joint Rule 11.*

Calls for information from.

“A proposition requesting information from the President of the United States (even where reported from a committee—*Journal*, 1, 31, p. 723) shall lie on the table one day for consideration, unless otherwise ordered by the unanimous consent of the House; and all such propositions shall be taken up for consideration in the order they were presented immediately after reports are called for from select committees, and when adopted, the Clerk shall cause the same to be delivered.”—*Rule 61.*

To be delivered by the Clerk.

Form of call on.

[The form of a resolution contemplated by this rule, as sanctioned by long usage, is: “*Resolved*, That the President of the United States be requested to inform (or communicate to) this House, if not incompatible with the public interest,” &c.]

(See MESSAGES FROM THE PRESIDENT.)

Opening and counting of votes for.

Art. 12, amend'ts to Const., requires that the certificates of electoral votes in the respective States for President and Vice President shall be opened by the President of the Senate in the presence of the Senate and House of Representatives, and the votes shall then be counted. And by the act of March 1, 1792—*Stat. at Large*, vol. I,

To be opened and counted on second Wednesday in February.

p. 239—Congress is required to be in session on the second Wednesday in February succeeding the meeting of the electors, and said certificates shall then be opened and the votes counted.

[It is usual, at some early period in the session at which the votes are to be counted, for the two houses to appoint a joint committee to ascertain and report a mode of examining the votes, &c.—*Journal*, 3, 34, p. 338. The mode adopted is, “that the two houses shall assemble in the chamber of the House of Representatives on the second Wednesday in February, at 12 o’clock m., and the President of the Senate shall be the presiding officer; that one person be appointed a teller on the part of the Senate and two on the part of the House of Representatives to make a list of the votes as they shall be declared; that the result shall be delivered to the President of the Senate, who shall announce the state of the vote and the persons elected to the two houses assembled; which shall be deemed a declaration of the persons elected President and Vice President of the United States, and, together with a list of the votes, be entered on the journals of the two houses.”—*Ibid.*, p. 364. At the hour above indicated, the House informs the Senate of its readiness to receive them—*Ibid.*, p. 398; and the Senate thereupon attend in the hall of the House.—*Ibid.*, pp. 398 to 400. After the declaration of the persons elected President and Vice President, a joint committee, consisting of two members of the House and one senator, are appointed to wait on the persons elected and inform them thereof.—*Ibid.*, p. 404.]

Mode of examining votes, &c.

Committee appointed to notify of election.

It is further provided by the 12th article of amend'ts to *Const.*, that if no person have a majority of the electoral votes for President, “then, from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next follow-

When choice of, shall devolve on the House.

Votes, how taken.

Quorum.

If House does not choose before the 4th of March.

ing, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President."

Rules of the House
in the election of.

[In anticipation of the choice of President devolving upon it, the House of Representatives of the 1st session, 18th Congress, adopted a set of rules for its government in said election.—*Journal*, 1, 18, pp. 212 to 215. For the subsequent proceedings of the House in conducting said election, see *same Journal*, pp. 220, 221, 222.]

PREVIOUS QUESTION.

Order in which
motions for, to be
put.

"When a question is under debate, no motion shall be received but—

to adjourn,

to lie on the table,

for the previous question,

to postpone to a day certain,

to commit or amend,

to postpone indefinitely;

which several motions shall have precedence in the order in which they are arranged."—*Rule 46*.

Form of.

"The previous question shall be in this form: 'Shall the main question be now put?' It shall only be admitted

Must be seconded
by a majority.
Its effects.

when demanded by a majority of the members present; and its effects shall be to put an end to all debate, (except that the member reporting the measure may close the debate—*Journal*, 1, 31, p. 1056,) and bring the House to a direct vote upon a motion to commit, if such motion shall have been made; and if this motion does not prevail, then upon amendments reported by a committee, if any, then upon pending amendments, and then upon the main question.

On a motion for the previous question, and prior to the seconding of the same, a call of the House shall be in order; but after a majority shall have seconded such motion, no call shall be in order prior to a decision of the main question."—*Rule 50*. Nor is it in order after a second, even in case a quorum may not be present, to send after the absentees.—*Journal*, 1, 34, p. 744.

Call of House not
in order after sec-
ond of.

No debate on, nor
on incidental ques-
tions of order.

"On a previous question there shall be no debate. All incidental questions of order arising after a motion is

made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.”—*Rule 51.*

It is in order pending the demand for the previous question on the passage of a bill to move a reconsideration of the vote on its engrossment.—*Journal*, 2, 27, p. 1175. [But such motion is not debatable under the practice which has prevailed for many years.]

Reconsideration of a preceding vote may be moved pending demand for.

The yeas and nays cannot be taken on seconding the demand for the previous question.—*Journal*, 2, 19, p. 493.

No yeas and nays on seconding.

The effect of a negative vote on the question “Shall the main question be now put?” is to postpone the consideration of the subject until the next sitting of the House—*Journals*, 1, 20, p. 709; 1, 21, pp. 468, 722—when the same question recurs.—*Journal*, 3, 27, pp. 10, 13, 30. See also *Manual*, p. 102.

Effect of negative vote on ordering main question.

A member is not debarred from moving the previous question because he has spoken once.—*Journal*, 1, 24, p. 1401.

Member who has already spoken may move.

Where a vote which was taken under the operation of the previous question is reconsidered, the previous question no longer operates.—*Journals*, 1, 27, p. 130; 1, 33, p. 127.

Where vote taken under operation of, is reconsidered.

“It is not in order to move a reconsideration of the vote on ordering the main question when it is partly executed.”—*Journal*, 1, 31, pp. 1101, 1398.

Not in order to reconsider when partly executed.

The previous question may be moved on a resolution submitted under a call of the States, and thus prevent the debate which, under the rules, requires it to lie over.—*Journals*, 1, 26, p. 1067; 1, 27, p. 429; 1, 30, p. 326.

May be moved on a resolution on resolution day.

The previous question is exhausted by an affirmative vote on a motion to refer, and upon a reconsideration of said vote the question stands divested of the previous question.—*Journal*, 3, 34, p. 452.

Is exhausted by an affirmative vote on reference.

After the previous question is ordered, it is not in order to entertain a motion to recommit.—*Journal*, 1, 29, p. 643.

Motion to recommit not in order after, ordered.

A motion for the previous question cannot be laid on the table.—*Journal*, 2, 29, p. 252.

Motion for, cannot be laid on table.

The previous question has not the effect of cutting off instructions previously moved in connexion with a motion to commit.—*Journal*, 1, 31, p. 1394.

Does not cut off instructions.

Effect of, on question of order, motion to reconsider, and to postpone.

[Under the practice of the House, if a question of order or a motion to reconsider is pending when the previous question is moved, when ordered it applies only to them, and is exhausted with the vote upon them; but with a motion to postpone it is different, the effect of an order of the previous question being to cut it off.]

Where House adjourns after ordering.

If the House adjourns after having ordered, but before putting the main question, the subject comes up the next morning, when the putting of the main question takes precedence over all other business.—*Journal*, 2, 28, p. 310.

No modification after second of.

After the previous question has been seconded, it is not competent for the mover to modify his proposition.—*Journal*, 1, 31, p. 1397. [Nor, according to the practice,

Nor withdrawal.

can he withdraw it after a second;] but he may withdraw it while the House is dividing on the question of a second.—*Journal*, 2, 29, p. 241.

May be moved at same time with a resolution.

It is competent for a member to submit a resolution and at the same time move the previous question thereon.—*Journal*, 1, 28, p. 558.

Applies to questions of privilege.

The previous question applies to a question of privilege equally with any other question.—*Journals*, 2, 27, pp. 573, 576; 1, 28, p. 882.

PRINTER, PUBLIC.

To be elected by each house.

“There shall be elected a public printer for each house of Congress, to do the public printing for the Congress for which he or they may be chosen, and such printing for the executive departments and bureaus of the government of the United States as may be delivered to him or them to be printed by the Superintendent of Public Printing.”—*Stat. at Large*, vol. X, p. 32. His rates of compensation are fixed by the same act.—(pp. 33, 34.)

Within what time printing is to be done.

He is required by the same act “to execute each job of printing intrusted to him within thirty days from the date of its delivery by the Superintendent, except bills, reports, and joint resolutions, which shall be returned as the Clerk of the House or Secretary of the Senate shall require, unless, for good reasons shown, the Superintendent of Printing shall extend the time.”—(*Ibid.*, p. 32.)

By the act of March 3, 1859, it is provided that where both houses order the printing of the same document, it shall be done by the printer of the house which first orders the same; and the payment for composition shall be the same as though the printing had been ordered by but one house. And it is also "provided that the office of printer either to the Senate or House of Representatives shall not be transferrable either directly or indirectly, and any attempt to sell or transfer either of said offices, or any sale or transfer of the same, shall operate as a vacation and abandonment of the said offices, or either of them."—*Stat. at Large, vol. XI, p. 422.*

Where printing is ordered by both houses.

Price of composition in such case.

Transfer or sale of office of, vacates.

PRINTING.

By the act of August 26, 1852, the Clerk of the House is directed to deliver to the Superintendent of the Public Printing all matter ordered by the House to be printed, and the public printer is required to execute the same within thirty days after its delivery by the Superintendent, except bills, reports, and joint resolutions, which shall be returned as the Clerk shall require, unless the Superintendent, for good reason shown, shall extend the time.—*Stat. at Large, vol. X, p. 31, 32.* Where extra copies of documents of the size of 250 pages and upwards are ordered to be printed, they shall be bound as directed by the Committee on Printing on the part of the House, at a cost not to exceed 12½ cents per volume.—*Ibid., p. 190.* By the act of March 3, 1859, it is directed that where both houses order the same document to be printed, the entire printing of the same shall be done by the printer of the house which first ordered the same; and the house so first ordering the same shall immediately notify the other house of such order. In no case shall more than 1,550 copies of any document be printed, unless extra copies be ordered; and the said regular number (1,550) shall be distributed by the officers of the house first ordering the printing of the same, to the same persons and in the same manner as such numbers heretofore ordered by both houses have been distributed.—*Stat. at Large, vol. XI, p. 422.*

All matter ordered to be delivered to Superintendent.

When to be executed.

What extra documents to be bound.

Where both houses order same document.

Not more than 1550 copies to be printed.

How distributed.

Motions to print
extra copies.

“All motions to print extra copies of any bill, report, or other document shall be referred to the members of the Committee on Printing from the house in which the same may be made.”—*Stat. at Large, vol. X, p. 34.* And by *Rule 61* it is required that all such motions, except in the case of messages of the President to both houses at the commencement of each session of Congress, and the reports and documents connected with or referred to in it, shall lie on the table one day for consideration, unless otherwise ordered by the unanimous consent of the House. [Since the passage of the foregoing law, whenever a motion to print extra copies is made it is immediately, by force of the law, referred to the Committee on Printing; and whenever report is made thereon it is considered by the House. And this is, certainly, no violation of the spirit of the rule, it evidently only contemplating one day's notice of the motion before consideration by the House.]

Bills passed in one
house and ordered
to be printed in the
other.

“When bills which have passed one house are ordered to be printed in the other, a greater number of copies shall not be printed than may be necessary for the use of the house making the order.”—*Joint Rule 18.*

When House bills
usually printed.

[The usual stage at which House bills are ordered to be printed is upon their report from a committee and their commitment to the Committee of the Whole.]

PRINTING, JOINT COMMITTEE ON.

To be appointed.

“A committee consisting of three members of the Senate and three members of the House of Representatives shall be appointed by the President of the Senate and Speaker of the House, to be called the Joint Committee on the Public Printing; which committee shall have a right to decide between the Superintendent of the Public Printing and the public printer in any dispute which may arise as to the propriety of the decisions of the Superintendent making deductions on account of work which the Superintendent may refuse to receive, or which, in his opinion, may not be done with proper despatch, as required by law; and the said committee shall pass upon the accounts of the Superintendent of the Public Printing. Said committee shall have power to adopt such measures

Power and duties
of.

as may be deemed necessary to remedy any neglect or delay in the execution of the public printing: *Provided*, That no contract, agreement, or arrangement entered into by this committee, shall take effect until the same shall have been approved by that house of Congress to which the printing belongs, and, when the printing delayed relates to the business of both houses, until both houses shall have approved of such contract or arrangement. All motions to print extra copies of any bill, report, or other document shall be referred to the members of the Committee on Printing from the house in which the same may be made.”—*Stat. at Large*, vol. X, p. 34.

Motions to print extra copies to be referred to House members of.

Said committee may also direct a change in the size of the page of a document from octavo to quarto.—*Ibid.*, p. 547.

May change from octavo to quarto.

They may also cause the printed sheets for the finer description of books authorized to be printed by either house to be dry pressed before being bound, the cost not to exceed the sum of 50 cents per ream medium.—*Ibid.*, p. 645.

May cause sheets to be dry pressed.

The committee on the part of the House may direct the binding of extra copies of documents, the size of which shall not be less than two hundred and fifty pages; the cost not to exceed 12½ cents per volume.—*Ibid.*, p. 190.

House members may direct binding of certain extra documents.

They may control the order in which the Superintendent shall deliver matter to be printed, and shall from time to time receive a report from the Superintendent of any failure or delinquency of duty on the part of the public printer.—*Ibid.*, p. 31.

May control the order in which printing is to be done.

Receive report from Superintendent.

“It shall be in order for the Committee on Printing to report at any time.”—*Rule 153*. And the right to report at any time carries with it the right to consider the matter when reported.—*Journal*, 1, 32, p. 195.

May report at any time.

PRIORITY OF BUSINESS.

“All questions relating to the priority of business to be acted on shall be decided without debate.”—*Rule 113*.

Question relative to, not debatable.

PRIVATE BILLS AND PRIVATE BUSINESS.

“Friday and Saturday in every week shall be set apart for the consideration of private bills and private business

Take precedence on Friday and Saturday.

in preference to any other, unless otherwise determined by a majority of the House.”—*Rule 29.* And such bills

But may be considered on other days.

may also be considered in their order on other days, notwithstanding their precedence on Friday and Saturday.—*Journal*, 1, 19, p. 795.

Reports of Committee of Claims on bills from Court of Claims take precedence every Friday.

“It shall be in order every Friday morning, immediately after the reading of the journal, for the Committee of Claims to report with reference to business from the Court of Claims. The bills reported to be printed and placed on the private calendar.”—*Rule 154.*

Majority may determine what to consider after disposing of.

When all the private business has been disposed of on Friday or Saturday, it is competent for a majority to determine what business shall be considered.—*Journal*, 1, 26, p. 460.

A motion to go into a Committee of the Whole House takes precedence of motion to go into Union.

A motion to go into the Committee of the Whole House on the state of the Union may be entertained on private bill day, (*Journal*, 2, 22, p. 212 *et passim*;) but the motion to go into a Committee of the Whole House takes precedence, (*Journals*, 1, 29, 850; 1, 30, 775,) [unless (according to the general although not universal practice) a special order is pending in the former.]

By usage, go to a Committee of the Whole House.

[Although there is no express rule requiring it, it is the usage in the commitment of private bills to send them to a Committee of the Whole House, while public bills are sent to the Committee of the Whole House on the state of the Union.]

(See COMMITTEES OF THE WHOLE.)

On first and fourth Friday such as are not objected to are to be considered.

“On the first and fourth Friday of each month the calendar of private bills shall be called over, (the chairman of the Committee of the Whole House commencing the call where he left off the previous day,) and the bills to the passage of which no objection shall then be made shall be first considered and disposed of.”—*Rule 30.* And this rule applies as well to the consideration of bills in the House as in Committee of the Whole.—*Journal*, 1, 31, p. 697. [On such days a single objection, or debate arising thereon, is fatal to the further consideration of a bill, but an amendment may be entertained and voted on. And after a bill has been objected to, and on that account passed over, it cannot, without unanimous consent, be recurred to.]

PRIVATE LAND CLAIMS, COMMITTEE ON.

There shall be appointed at the commencement of each session a Committee on Private Land Claims, to consist of nine members.—*Rule 76.* When appointed, and number of.

“It shall be the duty of the Committee on Private Land Claims to take into consideration all claims to land which may be referred to them, or shall or may come in question, and to report their opinion thereupon, together with such propositions for relief therein as to them shall seem expedient.”—*Rule 90.* Its duty.

PRIVILEGE.

“Senators and representatives shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.”—*Const.*, 1, 6, 9. Privilege from arrest. Not to be questioned out of House for speech or debate in House.

“This privilege from arrest, privileges, of course, against all process the disobedience to which is punishable by an attachment of the person; as a subpœna *ad respondendum* or *testificandum*, or a summons on a jury; and with reason, because a member has superior duties to perform in another place.”—*Manual*, p. 54. Privilege from arrest.

“Each house may determine the rules of its proceedings, punish its members for disorderly conduct, and, with the concurrence of two-thirds, expel a member.”—*Const.*, 1, 5, 8. House may expel its members.

In the maintenance of what are denominated its privileges, and of the privileges of its individual members, the House, in former Congresses, has imposed various penalties. Penalties inflicted for breach of.

In some cases it has directed its Speaker to reprimand the party offending.—*Journals*, 1, 4, p. 389; 1, 15, p. 154; 1, 22, pp. 730, 736.

In others it has committed the party to the custody of the Sergeant-at-Arms.—*Journals*, 1, 4, p. 407; 1, 12, p. 280; 1, 15, p. 119; 2, 34, pp. 277, 281, 384.

In others (where the parties were reporters of the House) it has excluded them from the hall.—*Journals*, 1, 24, p. 1021; 2, 33, p. 315.

And in one case, where a witness refused to answer a question propounded to him by a select committee, it was ordered and adjudged by the House that he be committed to the common jail of the District of Columbia, to be kept in close custody until he should signify his willingness to purge himself of the contempt.—*Journal*, 1, 35, pp. 387 to 389. And after having been so imprisoned for more than three months, he was, by the further order of the House, released from jail and delivered over to the marshal of the said District to answer a presentment pending against him in the United States criminal court therein.—*Ibid.*, pp. 535 to 539.

PRIVILEGE, QUESTIONS OF.

Take precedence
of other business.

“A matter of privilege arising out of any question, or from a quarrel between two members, or any other cause, supersedes the consideration of the original question, and must be first disposed of.”—*Manual*, p. 101. [According to the practice, not finally disposed of; but the House shall proceed to such immediate measures as it may think proper.]

Duty of the Speaker
in reference to.

Whenever the Speaker is of the opinion that a question of privilege is involved in a proposition, he must entertain it in preference to any other business.—*Journal*, 1, 29, p. 724. [Such opinion, of course, being subject to an appeal.] And when a proposition is submitted which relates to the privileges of the House, it is his duty to entertain it, at least to the extent of submitting the question to the House as to whether or not it presents a question of privilege.—*Journals*, 3, 27, p. 46; 1, 29, p. 223; 1, 30, p. 712; 1, 31, p. 1079; 1, 35, pp. 376, 410.

An enumeration of the various questions of privilege that may arise cannot, of course, be given, but the following list embraces nearly all that have arisen, viz:

have arisen.

Contested election cases—*Journals*, 1, 26, pp. 1283, 1300; 1, 29, p. 201; 1, 31, p. 1065; 2, 31, p. 119;

Failure or refusal of a witness to appear before committees of the House, or refusal to testify—*Journals*, 1, 12, p. 277; 2, 33, p. 315; 2, 34, pp. 241, 269; 1, 35, pp. 258, 371, 411, 451;

Offer to bribe a member—*Journals*, 1, 4, p. 389; 1, 15, pp. 117, 119;

Challenge of a member by a senator—*Journal*, 1, 4, p. 471;

Assault by one member upon another—*Journals*, 1, 5, p. 154; 1, 34, p. 1527;

Divulging the secrets of the House—*Journal*, 1, 12, p. 276;

Assault upon a member—*Journals*, 1, 22, p. 590; 2, 23, p. 485;

Menacing language towards a member out of the House on account of interrogatories propounded by him to a witness before the House—*Journal*, 1, 22, p. 740;

Disorder in the gallery—*Journal*, 1, 24, p. 331;

Fracas between two reporters in the presence of the House—*Journal*, 1, 24, p. 983;

Refusal of a member to take his seat in Committee of the Whole when ordered by the chairman to do so—*Journal*, 1, 24, p. 1209;

Duel between two members—*Journal*, 2, 25, p. 501;

Warm words and a mutual assault between two members in Committee of the Whole—*Journal*, 2, 25, p. 1013;

Protest by the President against certain proceedings of the House—*Journal*, 2, 27, p. 1459;

Proposition to impeach the President—*Journal*, 3, 27, p. 159;

Alleged menace of members by a mob at the seat of government—*Journal*, 1, 30, p. 712;

Charge of falsehood upon a member in a newspaper, by the printer of the House—*Journal*, 1, 29, p. 223;

Alleged false and scandalous report of proceedings in the House, by one of its reporters—*Journal*, 2, 29, p. 320;

Alleged mutilation of the journal by the Speaker—*Journal*, 1, 31, p. 713;

Which have arisen.

Publication by the public printer of an article alleged to be for the purpose of exciting unlawful violence upon members—*Journal*, 1, 33, p. 965;

Charges affecting the official character of a member—*Journal*, 1, 33, p. 1178;

Alteration and interpolation of House bills—*Journal*, 1, 33, p. 1194;

Assault upon a senator by a member of the House—*Journal*, 1, 34, p. 1023;

Alleged corrupt combinations on the part of certain members—*Journal*, 2, 34, pp. 475, 476;

Proposition to expel a member on the ground of alleged imputations resting upon him by reason of proceedings of the House at the previous Congress.—*Journal*, 1, 35, p. 179.

Previous question applies to.

The previous question applies upon a question of privilege as well as in other cases.—*Journals*, 2, 27, pp. 573, 576; 1, 28, p. 882.

PRIVILEGE OF THE FLOOR.

(See FLOOR.)

PRIVILEGED QUESTIONS.

What are.

[Privileged questions are those to which precedence is given over other questions by some general rule or special order of the House, and are of different grades among themselves.]

Motions to fix the day to which the House shall adjourn and to adjourn, shall be “*always in order.*”—*Rule* 48. Motions to reconsider *take precedence of all questions*, except a motion to adjourn.—*Rule* 56. Motions to go into Committee of the Whole House on the state of the Union, and to close debate in Committees of the Whole, may be made “*at any time.*”—*Rule* 136. Reports from the Committee on Enrolled Bills—*Rule* 138—and the Committee on Printing may be made “*at any time.*” The Committee on Engraving may report “*at all times.*”—*Rule* 104.

PUBLIC BUILDINGS AND GROUNDS, COMMITTEE ON.

When appointed and number of.

There shall be appointed at the commencement of each session a Committee on Public Buildings and Grounds, to consist of five members.—*Rule* 76.

“It shall be the duty of the Committee on Public ^{Duties of.} Buildings and Grounds to consider all subjects relating to the public edifices and grounds within the city of Washington which may be referred to them, and report their opinion thereon, together with such propositions relating thereto as may seem to them expedient.”—*Rule 100.*

PUBLIC EXPENDITURES, COMMITTEE ON.

There shall be appointed at the commencement of each ^{When appointed and number of.} session a Committee on Public Expenditures, to consist of nine members.—*Rule 76.*

“It shall be the duty of the Committee on Public Ex- ^{Its duties.} penditures to examine into the state of the several public departments, and particularly into laws making appropriations of money, and to report whether the moneys have been disbursed conformably with such laws; and also to report, from time to time, such provisions and arrangements as may be necessary to add to the economy of the departments and the accountability of their officers.”—*Rule 89.*

PUBLIC LANDS, COMMITTEE ON.

There shall be appointed at the commencement of each ^{When appointed and number of.} session a Committee on the Public Lands, to consist of nine members.—*Rule 76.*

“It shall be the duty of the Committee on the Public ^{Its duties.} Lands to take into consideration all such petitions and matters or things respecting the lands of the United States as shall be presented, or shall or may come in question, and be referred to them by the House, and to report their opinion thereon, together with such propositions for relief therein as to them shall seem expedient.”—*Rule 84.*

QUESTIONS.

“The Speaker shall rise to put a question, but may ^{Speaker shall rise to put.} state it sitting.”—*Rule 3.*

Questions shall be distinctly put in this form, to wit: ^{How put.}

“As many as are of opinion that (as the question may be)

say '*Aye*;' and after the affirmative voice is expressed, "As many as are of the contrary opinion, say '*No*.'"—

Rule 4. (See, also, TELLERS and YEAS AND NAYS.)

Decorum of members while putting.

"While the Speaker is putting any question, none shall walk out of or across the house, nor entertain private discourse."—*Rule 39.*

Division of.

(See DIVISION OF QUESTIONS.)

Precedence of, &c.

(See MOTIONS.)

Tie vote on.

In case of an equal division on a question, the question shall be lost.—*Rule 12.* (See also TIE VOTE.)

QUORUM.

Majority constitutes, for business.
Power of less than.

"A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day and may be authorized to compel the attendance of absent members in such manner and under such penalties as each house may provide."—*Const.*, 1, 5, 8. [Since the admission of Oregon, 119 members constitute a quorum.]

What constitutes, in choosing the President.

A quorum of the House for the purpose of choosing the President shall consist of a member or members from two-thirds of the States.—*Const.*, 2, 1, 16.

One-fifth of, may order tellers.

Tellers may be ordered upon motion seconded by at least one-fifth of a quorum of the members.—*Rule 4.* [Equal to 24 members.]

Journal to be read on appearance of.

The Speaker each day on the meeting of the House, "and on the appearance of a quorum, shall cause the journal of the preceding day to be read."—*Rule 1.* And it is a very common practice when no quorum is present upon the Speaker taking the chair, for him to entertain a motion for a call of the House before causing the journal to be read.—*Journal*, 1, 35, p. 840.

Less than, can only call House or adjourn.

Where less than a quorum is present, a motion to take a recess is not in order, and no motion is in order except for a call or to adjourn.—*Journals*, 1, 29, p. 356; 2, 29, p. 343; 2, 32, p. 388.

Want of, in Committees of the Whole.

"Whenever the Committee of the Whole House on the state of the Union, or the Committee of the Whole House, finds itself without a quorum, the chairman shall cause the roll of the House to be called, and thereupon

the committee shall rise and the chairman shall report the names of the absentees to the House, which shall be entered on the journal."—*Rule 126*. And as soon (after rising for such purpose) as a quorum is ascertained to be present the House must return into committee.—*Journal*, 2, 27, p. 592.

"Whenever during business it is observed that a quorum is not present, any member may call for the House to be counted, and being found deficient, business is suspended."—*Manual*, p. 63, also, p. 79.

Where not present a member may call for count.

(See, also, CALLS OF THE HOUSE.)

READING OF PAPERS.

"Where papers are laid before the House or referred to a committee, every member has a right to have them once read at the table before he can be compelled to vote on them"—*Manual*, p. 93; and this applies to the reading of papers on a motion to refer them.—*Journal*, 1, 34, p. 1146. And so in regard to any proposition submitted for a vote of the House; but it being a right derived from the rules, he may at any time (when a motion to suspend the rules is in order) be deprived of it by a suspension of the rules—*Journals*, 1, 32, p. 1116; 3, 34, p. 618; 2, 35, p. 572—even after the main question is ordered to be put.—*Journal*, 3, 34, p. 386.

Right of member to insist on, where called to vote on them.

But may be deprived of it by a suspension of the rules.

"When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by a vote of the House."—*Rule 57*.

Where objected to.

[The rule above recited is not construed to apply to the single reading of a paper or proposition upon which the House may be called upon to give a vote, or to the several regular readings of a bill, but to cases where a paper has been once read, or a bill has received its regular reading and another is called for, and also where a member desires the reading of a paper having relation to the subject before the House.] But it does not apply to the case of an amendment which a member, by leave, has given notice of his intention at a future time to offer.—*Journal*, 1, 31, p. 1149.

Construction of the 57th Rule in regard to.

In case of an amendment of which notice is given.

The reading of a report relating to a pending proposition cannot be called for after the previous question is

Where cannot be called for.

seconded, as it would be in the nature of debate.—*Journal*, 1, 23, p. 726.

RECESS.

When taken.

[Where it is desired that the House shall suspend its business for a short time, a recess is sometimes taken.

Motion for.

The motion for that purpose is frequently entertained by unanimous consent, or under a suspension of the rules—*Journals*, 1, 28, p. 675; 2, 31, pp. 397, 424; 2, 32, pp. 350, 420—and if objection is made, it is only by a suspension of the rules that the motion can be submitted.]

Less than quorum cannot take.

Not in order pending call of House.

It is not in order for less than a quorum to take a recess—*Journals*, 1, 29, p. 356; 2, 32, p. 388; nor, pending a call of the House, can a recess be taken unless by unanimous consent.—*Ibid.*, 1, 26, p. 843.

For more than three days.

Where it is proposed to take a recess, by adjournment, for more than three days, the Senate must consent before it can be taken.—*Const.*, 1, 5, 9. (See ADJOURNMENT.)

RECOMMIT, MOTION TO.

In order at any time before passage of bill, but not if main question is ordered.

“After commitment and report thereof to the House, or at any time before its passage, a bill may be recommitted.”—*Rule* 120. But not after the main question is ordered to be put.—*Journal*, 1, 29, p. 643. [Nor, according to the practice, even pending the demand for the previous question.]

Recommitment of engrossed bills.

[After a careful examination of the journals, but one or two instances have been found of *bills recommitted after engrossment and third reading, and reported back with amendment*.—*Journal*, 1, 9, pp. 264, 276, 282. From these it appears that in case of a *House bill* recommitted after engrossment, either an *amendatory bill* may be reported back, which is to be treated as an original bill, or the original bill may be reported back with amendments, and after the House has acted on the amendments, *the question is again put on its engrossment and third reading*. And in case of a *Senate bill* recommitted after third reading, it may be reported back with amendments, which having been disposed of, *the question is again put on the third reading of the bill*.]

RECONSIDER, MOTION TO.

“When a motion has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof, on the same or succeeding day; and such motion shall take precedence of all other questions, except a motion to adjourn; and shall not be withdrawn after the said succeeding day without the consent of the House, and thereafter any member may call it up for consideration.”—*Rule 56.*

Who may make.
When to be made.
Precedence of.
Cannot be withdrawn after the time elapsed for making.
Any member may call up.

A fair construction of this rule will permit a member who has voted with the *prevailing side* on a tie vote to move a reconsideration. Such is evidently the spirit of the rule.—*Journal*, 1, 30, *p.* 1081. [And such has been the subsequent practice.]

Who may make, in case of tie vote.

It is in order at *any time* on the same or succeeding day to move a reconsideration and have it entered, but it cannot be taken up and considered while another question is before the House.—*Journal*, 1, 34, *pp.* 1476, 1477.

May be entered, but not considered while another question is up.

A motion to reconsider, if made in time, may be entertained notwithstanding the papers connected with the original proposition have gone out of the possession of the House.—*Journals*, 1, 26, *p.* 1033; 1, 28, *pp.* 1125, 1131; 1, 29, *p.* 657; 1, 33, *pp.* 336, 1199. And pending a motion to reconsider the vote on the passage of a bill, the Speaker should decline to sign the said bill if reported by the Committee on Enrolled Bills.—*Ibid.*, 1, 26, *p.* 1033. [When the papers have been sent to the Senate, it is usual in case of a motion to reconsider, to send a message to that body requesting their return.]

May be entertained even after papers have gone out of the possession of the House.

[The effect of the pendency of a motion to reconsider, according to the universal usage, is to suspend the original proposition,] but “where the term of the members expires without acting on the motion to reconsider for the want of time or inclination, the motion of course fails, and leaves the original proposition operative.”—(Opinion of Mr. Speaker Orr, and also of Mr. Speaker Banks, in the case of a resolution directing the payment of money out of the contingent fund of the House, where Congress

Effect of pendency of, upon original proposition.

adjourned *sine die*—pending a motion to reconsider the vote by which it was adopted.)

Not in order, where action has resulted which cannot be reversed.

It is not in order to move a reconsideration of a vote sustaining a decision of the Chair, after subsequent action has resulted therefrom which it is impossible for the House to reverse.—*Journal*, 1, 31, *pp.* 860, 861.

Cannot be repeated.

Where a motion to reconsider has been once put and decided, it is not in order to repeat the motion.—*Journal*,

Except where an amendment has been made.

2, 27, *p.* 1022. But it is otherwise, where an amendment has been adopted since the first reconsideration.—*Journal*, 1, 31, *pp.* 1404, 1406, 1407.

Order of yeas and nays may be reconsidered.

An order that a vote be taken by yeas and nays may be reconsidered, but the question immediately recurs subject to be decided affirmatively by one-fifth of the members present.—*Journals*, 1, 19, *p.* 796; 1, 30, *p.* 405.

So also negative vote on motion to lie on the table.

A negative vote on a motion to lie on the table may be reconsidered.—*Journal*, 2, 32, 234.

If motion to reconsider be laid on table it cannot be reconsidered.

A motion to reconsider a vote laying a motion to reconsider on the table is not in order; if entertained, it would lead to inextricable confusion by piling up motion upon motion to reconsider.—*Journals*, 3, 27, *p.* 334; 1, 33, *p.* 357.

Decided affirmatively, question immediately recurs on original question, &c.

According to the uniform practice, where a motion to reconsider has been passed in the affirmative, the question *immediately* recurs upon the question reconsidered.—*Journal*, 1, 31, *p.* 847. [And the House proceeds with the consideration of the subject without regard to the fact of its having been on the Speaker's table when the motion to reconsider was submitted.]

When vote taken under previous question is considered.

Where a vote taken under the operation of the previous question is reconsidered, the question is then divested of the previous question and is open to debate and amendment.—*Journals*, 1, 27, *p.* 129; 1, 33, *p.* 127.

Previous question may be reconsidered if not partly executed.

The previous question may be reconsidered, but not after it is partly executed.—*Journal*, 1, 31, *pp.* 1101, 1398.

Previous question how reconsidered.

[And according to the usual practice in the reconsideration of the previous question but a single vote is taken, viz: Will the House reconsider the vote on ordering the main question? which being decided affirmatively, the subject is divested of the demand for the previous question.]

A vote on the reconsideration of a vetoed bill cannot be reconsidered.—*Journal*, 1, 28, pp. 1093, 1097.

Not in order, of vote refusing to pass a vetoed bill.

A motion to reconsider is not debatable, if the question proposed to be reconsidered was not debatable.—*Journals*, 2, 27, p. 331; 2, 30, pp. 135, 136. But the fact of a question having been decided under the operation of the previous question does not prevent debate on the motion to reconsider, if the original question was otherwise debatable.—*Journal*, 1, 33, p. 127. A motion to reconsider a vote on a resolution passed on resolution day, under the operation of the previous question, like the resolution cannot be debated on that day, but must lie over.—*Journal*, 2, 30, pp. 135, 136.

Where not debatable.

REFER, MOTION TO.

(See COMMIT, MOTION TO.)

REPORTERS.

“Stenographers and reporters other than the official reporters of the House, wishing to take down the debates, may be admitted by the Speaker to the reporters’ gallery over the Speaker’s chair, but not on the floor of the House; but no person shall be allowed the privilege of said gallery under the character of stenographer or reporter, without a written permission of the Speaker, specifying the part of said gallery assigned to him; nor shall said stenographer or reporter be admitted to said gallery unless he shall state, in writing, for what paper or papers he is employed to report; nor shall he be so admitted, or, if admitted, be suffered to retain his seat if he shall be or become an agent to prosecute any claim pending before Congress; and the Speaker shall give his written permission with this condition.”—*Rule* 18.

Admitted to gallery with permission of Speaker.

Must state for what paper.

Must not be claim agents.

By a resolution of the House (*Journal*, 1, 32, p. 70) the doorkeeper was directed to provide chairs for the reporters of the Congressional Globe, to be placed in front of the Clerk’s desk.

Of “Congressional Globe” occupy chairs in front of Clerk’s desk.

REPORTS OF COMMITTEES.

(See also COMMITTEES.)

Such reports as originated in either House, and, at the close of the session, remain undetermined in either house, shall, after six days from the commencement of a second or subsequent session of the same Congress, be resumed as if an adjournment had not taken place.—*Rule 22 and Joint Rule 21.*

REPORTS OF COURT OF CLAIMS.

(See CLAIMS, COURT OF.)

REPORTS OF OFFICERS OF GOVERNMENT.

“It shall be the duty of the Clerk to make and cause to be printed, and deliver to each member, at the commencement of every session of Congress, a list of the reports which it is the duty of any officer or department of the government to make to Congress—referring to the act or resolution and page of the volume of the laws or journal in which it may be contained, and placing under the name of each officer the list of reports required of him to be made, and the time when the report may be expected.”—*Rule 109.*

List of, to be made to Congress, to be prepared.

RESOLUTIONS.

Distinction betw'n “orders” and.

“When the House commands it is by an ‘order.’ But fact, principles, and their own opinions and purposes are expressed in the form of resolutions.”—*Manual*, p. 82. [This distinction is not strictly kept up in the practice of the House.]

Daily call for.

“Reports from the committees having been presented and disposed of, the Speaker shall call for resolutions from the members of each State and delegates from each Territory, beginning with Maine and the Territory of Nebraska alternately. They shall not be debated on

Not to be debated.

the very day of their being presented; nor on any day assigned by the House for the receipt of resolutions, unless where the House shall direct otherwise, but shall lie on the table, to be taken up in the order in which they were presented; and if, on that day, the whole of the States and Territories shall not be called, the Speaker shall begin on the next day where he left off the previous

Call for, how resumed.

day; provided that no member shall offer more than one resolution, or one series of resolutions, all relating to the same subject, until all the States and Territories shall have been called.—*Rule 25.*

Only one to be offered by a member.

“All the States and Territories shall be called for resolutions on each alternate Monday during each session of Congress; and, if necessary to secure the object on said days, all resolutions which shall give rise to debate shall lie over for discussion, under the rules of the House already established; and the whole of said days shall be appropriated to resolutions until all the States and Territories are called through.”—*Rule 26.*

Call for, on alternate Mondays.

Not to be debated.

[These rules would seem to indicate that frequent occasions are presented at which resolutions may be offered in order, but from various causes such is not the case. Indeed, it rarely happens, after the business of a session has fairly begun, that a resolution is ever offered, except under a suspension of the rules, or by unanimous consent, or perhaps upon the report of a committee. The difficulty results from the fact that privileged motions, especially those to go into Committee of the Whole on the state of the Union, and to suspend the rules, are often interposed; also from the frequency of applications for the consideration of business out of its order, &c.—See BUSINESS, DAILY ORDER OF.]

Opportunities for submitting, not frequent.

The name of the member who offers a resolution to the consideration of the House shall be inserted on the journals.—*Rule 60.*

Name of member who offers, entered on journal.

No bill or resolution shall, at any time, be amended by annexing thereto, or incorporating therewith, any other bill or resolution pending before the House.”—*Rule 55.* [According to the practice, an amendment containing the substance of a pending bill or resolution is in order.](See AMENDMENTS.)

Amendment to.

“Every order, resolution, or vote, to which the concurrence of the Senate shall be necessary, shall be read to the House, and laid on the table, on a day preceding that in which the same shall be moved, unless the House shall otherwise expressly allow.”—*Rule 59.*

Where concurrence of Senate is necessary.

Such resolutions as call for information from the Presi-

Calling for information.

dent or heads of departments are required, by *Rule 61*, to lie on the table one day.—(See *CALLS ON THE PRESIDENT, ETC.*)

May be considered if previous question seconded.

A demand for the previous question immediately upon submitting a resolution prevents debate, and, if seconded, the resolution need not lie over, as in the case of debate arising.—*Journals*, 1, 26, *p.* 1067; 2, 27, *p.* 429.

REVISAL AND UNFINISHED BUSINESS, COMMITTEE OF.

When appointed, and number of.

There shall be appointed at the commencement of each session a Committee of Revisal and Unfinished Business, to consist of five members.—*Rule 76.*

Duties of.

“It shall be the duty of the Committee of Revisal and Unfinished Business to examine and report what laws have expired, or are near expiring, and require to be revived or further continued; also, to examine and report from the journal of last session all such matters as were then depending and undetermined.”—*Rule 101.*

REVOLUTIONARY CLAIMS, COMMITTEE ON.

When appointed, and number of.

There shall be appointed at the commencement of each session a Committee on Revolutionary Claims, to consist of nine members.—*Rule 76.*

Its duties.

“It shall be the duty of the Committee on Revolutionary Claims to take into consideration all such petitions and matters or things touching claims and demands originating in the revolutionary war, or arising therefrom, as shall be presented, or shall or may come in question, and be referred to them by the House; and to report their opinion thereupon, together with such propositions for relief therein as to them shall seem expedient.”—*Rule 88.*

REVOLUTIONARY PENSIONS, COMMITTEE ON.

When appointed, and number of.

There shall be appointed at the commencement of each session a Committee on Revolutionary Pensions, to consist of nine members.—*Rule 76.*

Its duties.

“It shall be the duty of the Committee on Revolutionary Pensions to take into consideration all such matters respecting pensions for services in the revolutionary war,

other than invalid pensions, as shall be referred to them by the House.”—*Rule 96.*

ROADS AND CANALS, COMMITTEE ON.

There shall be appointed at the commencement of each session of Congress a Committee on Roads and Canals, to consist of nine members.—*Rule 76.*

When appointed, and number of.

“It shall be the duty of the Committee on Roads and Canals to take into consideration all such petitions and matters or things relating to roads and canals, and the improvement of the navigation of rivers, as shall be presented or may come in question, and be referred to them by the House; and to report thereupon, together with such propositions relative thereto as to them shall seem expedient.”—*Rule 98.*

Its duties.

ROOMS IN THE CAPITOL.

“The unappropriated rooms in that part of the Capitol assigned to the House shall be subject to the order and disposal of the Speaker until the further order of the House.”—*Rule 147.*

Unappropriated, to be at disposal of Speaker.

RULES.

“Each house may determine the rules of its proceedings.”—*Const. 1, 5, 8.*

Each house may determine its.

“No standing rule or order of the House shall be rescinded or changed without one day’s notice being given of the motion therefor, (see NOTICES;) nor shall any rule be suspended, except by a vote of at least two-thirds of the members present.”—*Rule 136.* But a *majority* may at any time suspend the rules and orders for the purpose of going into the Committee of the Whole on the state of the Union, and for closing debate in Committees of the Whole—(see DEBATE.)—*Same Rule.*

Not to be changed without notice.

To suspend, requires two-thirds, except to go into Union or close debate in Committee of the Whole.

Except during the *last ten days of the session* the Speaker shall not entertain a motion to suspend the rules of the House at any time, except on *Monday* of every week: *Provided*, nothing herein contained shall be construed to alter so much of the *136th Rule* as gives to the majority the right at any time to go into the Committee of the

When only motions to suspend, can be made.

Except where majority may suspend.

Whole on the state of the Union, and to close debate.—
Rule 137.

When motion to suspend, not in order.

It is not in order to move a suspension of the rules while the House is acting under a suspension of the rules—*Cong. Globe*, 2, 27, pp. 58, 142; 1, 31, p. 1225; nor while considering a special order, it having been made under a suspension of the rules—*Ibid.*, 2, 29, pp. 401, 439; nor while the previous question is operating.—*Journal*, 2, 33, p. 564.

Motion to suspend, not debatable.
 Not amendable.

A motion to suspend the rules is not debatable—*Cong. Globe*, 2, 27, p. 121; 1, 29, p. 343; nor is it amendable—*Cong. Globe*, 2, 30, pp. 319, 320; *Journal*, 2, 35, p. 477; nor can it be laid on the table—*Cong. Globe*, 1, 29, p. 343; *Journal*, 2, 35, 510; nor postponed indefinitely—*Cong. Globe*, 1, 26, p. 121.

Vote on suspension cannot be reconsidered.

The vote on a motion to suspend the rules cannot be reconsidered.—*Journal*, 2, 31, 134.

Where suspended for a particular purpose.

Where the rules are suspended to enable a member to submit a particular proposition, if he fails to submit it another member may do so.—*Journal*, 1, 23, p. 631.

No modification after suspension.

After the rules have been suspended to allow a proposition to be submitted, it cannot be modified.—*Cong. Globe*, 1, 31, p. 1727.

Motion to suspend, may embrace several bills.

The rules may be suspended by a single vote for the purpose of enabling a number of bills to be reported from a committee.—*Journal*, 3, 34, p. 432.

Joint rule suspended by a majority.

A joint rule, so far as the House is concerned, requires a majority vote only for its suspension.—*Journal*, 2, 24, p. 574.

Not in order to change or rescind, under color of amendment.

It is not in order, under color of amendment, to move to change or rescind a rule; and where such is the effect of a motion, one day's notice is necessary.—*Journal*, 1, 20, p. 674.

SATURDAY.

(See PRIVATE BILLS AND PRIVATE BUSINESS.)

SEATS OF MEMBERS.

What has been customary in regard to.

Hitherto each member has been provided with a desk and seat within the hall, the location of which for the

session has of late years been determined by lot. At the last session of Congress, however, with a view to try the experiment of dispensing with desks, the following resolution was adopted, viz:

“*Resolved*, That the Superintendent of the Capitol Extension be directed, after the adjournment of the present session of Congress, to remove the desks from the hall of the House, and to make such a re-arrangement of the seats of members as will bring them together into the smallest convenient space.”—*Journal*, 2, 35, pp. 580, 583.

Desks to be removed and seats re-arranged.

SECRET SESSION.

“Whenever confidential communications are received from the President of the United States, the House shall be cleared of all persons, except the members, Clerk, Sergeant-at-Arms, and doorkeeper, and so continue during the reading of such communications, and (unless otherwise directed by the House) during all debates and proceedings to be had thereon. And when the Speaker, or any other member, shall inform the House that he has communications to make which he conceives ought to be kept secret, the House shall, in like manner, be cleared till the communication be made; the House shall then determine whether the matter communicated requires secrecy or not, and take order accordingly.”—*Rule* 112.

When confidential communication made by President.

Or upon suggestion by Speaker, House to be cleared.

The Sergeant-at-Arms (*Rule* 72) and the doorkeeper (*Rule* 74) shall be sworn to keep the secrets of the House.

Officers sworn to keep secrets of the House.

Such parts of the journal of a secret session as may, in the judgment of the House, require secrecy, need not be published.—*Const.* 1, 5, 9.

House need not publish journal of.

SENATE.

“Every order, resolution, or vote, to which the concurrence of the Senate shall be necessary, shall be read to the House and laid on the table on a day preceding that in which the same shall be moved, unless the House shall otherwise expressly allow.”—*Rule* 59.

Orders, &c., requiring concurrence of, to lie on table on day.

(See MESSAGES FROM THE SENATE.)

SERGEANT-AT-ARMS.

- To be appointed.** "A Sergeant-at-Arms shall be appointed, to hold his office during the pleasure of the House, whose duty it shall be to attend the House during its sittings; to execute the commands of the House from time to time, together with all such process, issued by authority thereof, as shall be directed to him by the Speaker."—*Rule 67.*
- His duties.**
- Additional duty.** "It shall be the duty of the Sergeant-at-Arms to keep the accounts for pay and mileage of members, to prepare checks, and, if required to do so, to draw the money on such checks for the members, (the same being previously signed by the Speaker and endorsed by the member,) and pay over the same to the member entitled thereto."—*Rule 70.*
- Committee on Mileage to report to.** And by *Rule 103* it is made the duty of the Committee on Mileage to ascertain, and report to the Sergeant-at-Arms, the distance for which each member shall receive pay.
- Shall deduct excess of stationery from compensation of members.** By resolution of May 4, 1842, it is made the duty of the Sergeant-at-Arms to deduct the amount of excess of stationery received by members beyond their allowance from their pay and mileage.—*Journals*, 2, 27, 495, and 1, 31, p. 1510. (See also COMPENSATION.)
- Shall give bond.** "The Sergeant-at-Arms shall give bond, with surety, to the United States, in a sum not less than five nor more than ten thousand dollars, at the discretion of the Speaker, and with such surety as the Speaker may approve, faithfully to account for the money coming into his hands for the pay of members."—*Rule 71.*
- Sworn to keep secrets of Houses.** "The Sergeant-at-Arms shall be sworn to keep the secrets of the House."—*Rule 72.*
- Symbol of office.** "The symbol of his office (the mace) shall be borne by the Sergeant-at-Arms when in the execution of his office."—*Rule 68.*
- Fees of.** "The fees of the Sergeant-at-Arms shall be, for every arrest, the sum of two dollars; for each day's custody and releasement, one dollar; and for travelling expenses for himself or a special messenger, going and returning,

one tenth of a dollar per mile.”—*Rule 69*. And it is provided by act of February 5, 1859, “that hereafter the mileage or travelling allowance to the officer or other person executing precepts or other summons of either house of Congress shall not exceed ten cents for each mile necessarily and actually travelled by such officer or other person in the execution of any such precept or summons.”—*Stat. at Large, vol. XI, p. 379*.

The oath of the Sergeant-at-Arms, as prescribed by the His oath of office. act of June 1, 1789, and *Rule 72* is as follows: “I solemnly swear, or affirm, (as the case may be,) that I will support the Constitution of the United States, and that I will keep the secrets of the House.”

SMITHSONIAN INSTITUTION.

By the act of August 10, 1846, three of the Regents of Regents of, to be appointed by the Speaker. said Institution shall be members of the House of Representatives, to be appointed by the Speaker on the fourth Wednesday in December next after the first meeting of every Congress, to serve until the fourth Wednesday in December, the second succeeding their appointment, and vacancies shall be filled as vacancies in committees are filled.—*Stat. at Large, vol. IX, p. 102*.

The Board of Regents shall submit to Congress, at Report to be made to Congress annually. each session thereof, a report of the operations, expenditures, and condition of the Institution.—*Ibid*.

SPEAKER.

“The House of Representatives shall choose their House shall choose Speaker and other officers.”—*Const., 1, 2, 6*.

Upon the ascertainment of the fact that a quorum of When elected. members elect is present, and its announcement by the Clerk of the last House, it is usual for the House, on motion of some member, *immediately* to “proceed, *viva voce*, to the election of a Speaker for the — Congress.”—*Journal, 1, 35, p. 8*. (See MEETING OF CONGRESS.)

By the act of June 1, 1789, it is provided, that the oath Oath. or affirmation required by the 6th article of the Constitution of the United States shall be administered in the form

following, to wit: “*I, ———, do solemnly swear, or affirm, (as the case may be,) that I will support the Constitution of the United States.*” And that it shall be admin-

By whom oath to be administered.

istered to him by “any one member of the House of Representatives.”—*Stat. at Large, vol. I, p. 23.* [According to the usage, the member selected for this purpose is that one who has been longest a member of the House.—*Journal, 1, 26, p. 79.*

Oath to be administered by, to members and Clerk, and when.

By the same act he is required to administer the foregoing oath or affirmation “to all the members present, and to the Clerk, *previous to entering on any other business*; and to the members who shall afterwards appear, *previous to taking their seats.*”—*Ibid.*

When, shall act as President of the United States.

By the act of March 1, 1792, it is provided, “that in case of removal, death, resignation, or inability both of the President and Vice President of the United States, the President of the Senate *pro tempore*, and in case there shall be no President of the Senate, then the Speaker of the House of Representatives for the time being shall act as President of the United States until the disability be removed or a President shall be elected.”—*Stat. at Large, vol. I, p. 240.*

His compensation.

By the act of August 16, 1856, it is provided, “that the Speaker of the House of Representatives shall receive double the compensation provided for representatives.”—*Stat. at Large, vol. XI, p. 48.*

(See COMPENSATION.)

SPEAKER—HIS DUTIES, ETC.

When to call House to order.

“He shall take the chair every day precisely at the hour to which the House shall have adjourned on the preceding day; shall immediately call the members to order; and, on the appearance of a quorum, shall cause the journal of the preceding day to be read.”—*Rule 1.*

Shall preserve order.

Has preference in speaking to points of order.

“He shall preserve order and decorum; may speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the House by any two members; on which appeal no member shall speak more than once, unless by leave of the House.”—*Rule 2.*

"Though the Speaker may of right speak to matters of order, and be first heard, he is restrained from speaking on any other subject, except where the House have occasion for facts within his knowledge; then he may, with their leave, state the matter of fact."—*Manual*, p. 74; *Journal*, 1, 28, p. 1011.

May speak only to matters of order.

The Speaker may, in order to settle the future practice of the House under a certain state of circumstances, submit a question for its decision.—*Cong. Globe*, 1, 26, p. 226.

He may submit question as to what shall be the practice of House.

"He shall rise to put a question, but may state it sitting."—*Rule* 3.

Shall rise to put a question.

"Questions shall be distinctly put in this form, to wit: 'As many as are of opinion that, (as the question may be,) say *Ay*;' and after the affirmative voice is expressed, 'As many as are of the contrary opinion, say *No*.' If the Speaker doubt, or a division be called for, the House shall divide; those in the affirmative of the question shall first rise from their seats, and afterwards those in the negative. If the Speaker still doubt, or a count be required, the Speaker shall name two members, one from each side, to tell the members in the affirmative and negative; which being reported, he shall rise and state the decision to the House. No division and count of the House by tellers shall be in order but upon motion seconded by at least one-fifth of a quorum of the members."—*Rule* 4.

Form in which he shall put question.

When he may divide House.

When he may have tellers.

"While the Speaker is putting any question, or addressing the House, none shall walk out of or across the House; nor in such case, or when a member is speaking, shall entertain private discourse."—*Rule* 39.

While he is putting question or addressing House.

"If any difficulty arises in point of order during the division, the Speaker is to decide peremptorily, subject to the future censure of the House if irregular."—*Manual*, p. 118.

Shall decide point of order during a division peremptorily.

"It is a breach of order for the Speaker to refuse to put a question which is in order."—*Manual*, p. 58.

Breach of order by, not to put question which is in order.

"In all cases of ballot by the House the Speaker shall vote; in other cases he shall not be required to vote unless the House be equally divided, or unless his vote, if given to the minority, will make the division equal; and in case of such equal division the question shall be lost."—*Rule* 12.

When he shall vote.

Shall name member entitled to floor.

"When two or more members happen to rise at once, the Speaker shall name the member who is first to speak."—*Rule 33.*

Shall call to order member transgressing rules in speaking.

"If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call to order."—*Rule 35.* (See ORDER.)

When motion shall be stated by him.

"When a motion is made and seconded, it shall be stated by the Speaker; or, being in writing, it shall be handed to the Chair, and read aloud by the Clerk, before debated."—*Rule 43.*

May require motion to be in writing.

"Every motion shall be reduced to writing if the Speaker or any member desire it."—*Rule 44.*

May put question of consideration if he deem it necessary.

"When any motion or proposition is made, the question 'Will the House now consider it?' shall not be put unless it is demanded by some member, or is deemed necessary by the Speaker."—*Rule 5.*

Shall examine journal.

Have direction of hall.

Name chairman for the day.

"The Speaker shall examine and correct the journal before it is read. He shall have a general direction of the hall. He shall have a right to name any member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment."—*Rule 6.*

Where ill, Speaker *pro tempore* appointed.

"Where the Speaker has been ill, other Speakers *pro tempore* have been appointed."—*Manual, p. 64; Journals, 1, 5, pp. 266, 316; 1, 30, p. 923.*

May be removed, and Speaker *pro tempore* appointed.

"A Speaker may be removed at the will of the House, and a Speaker *pro tempore* appointed."—*Manual, p. 65.*

Shall appoint chairman of Committee of the Whole.

"In forming a Committee of the Whole House the Speaker shall leave his chair, and a chairman, to preside in committee, shall be appointed by the Speaker."—*Rule 125.*

He shall appoint committees, unless House direct otherwise.

"All committees shall be appointed by the Speaker, unless otherwise specially directed by the House."—*Rule 7.* [It is usual, however, for him to await the passage of an order, "that the Speaker be authorized to appoint the regular standing committees," before announcing them for the session.—*Journal, 1, 35, p. 55.* But this would seem to be unnecessary in view of the foregoing rule.] (See COMMITTEES.)

He shall appoint three Regents of the Smithsonian Institution.

By the act of August 10, 1846, he is required to appoint from the members of the House, on the fourth Wednesday in December of the first regular session of

every Congress, three Regents of the Smithsonian Institution.—*Stat. at Large, vol. IX, p. 102.*

“In case of any disturbance or disorderly conduct in the galleries or lobby, the Speaker (or chairman of the Committee of the Whole House) shall have power to order the same to be cleared.”—*Rule 16.*

He may order the galleries or lobby to be cleared.

“Members having petitions and memorials to present may hand them to the Clerk, endorsing the same with their names, and the reference or disposition to be made thereof; and such petitions and memorials shall be entered on the journal, subject to the contrôl and direction of the Speaker; and if any petition or memorial be so handed in, which, in the judgment of the Speaker, is excluded by the rules, the same shall be returned to the member from whom it was received.”—*Rule 24.*

Shall have control and direction of petitions presented.

“Stenographers and reporters, other than the official reporters of the House, wishing to take down the debates, may be admitted by the Speaker to the reporters’ gallery over the Speaker’s chair, but not on the floor of the House; but no person shall be allowed the privilege of said gallery under the character of stenographer or reporter without a written permission of the Speaker, specifying the part of said gallery assigned to him; nor shall said stenographer or reporter be admitted to said gallery unless he shall state in writing for what paper or papers he is employed to report; nor shall he be so admitted, or, if admitted, be suffered to retain his seat, if he shall be or become an agent to prosecute any claim pending before Congress; and the Speaker shall give his written permission with this condition.”—*Rule 18.*

May admit reporters to gallery over his chair.

“All acts, addresses, and joint resolutions, shall be signed by the Speaker; and all writs, warrants, and subpoenas, issued by order of the House, shall be under his hand and seal, attested by the Clerk.”—*Rule 15.*

Shall sign acts, writs, &c.

By the act of August 16, 1856, the Speaker is required to certify the compensation which shall be due to the representatives and delegates—*Stat. at Large, vol. XI, p. 48*; and by *Rule 70* it is provided that the checks prepared by the Sergeant-at-Arms for pay and mileage of members shall be signed by the Speaker.

Shall certify compensation of members.

And sign checks.

Shall fix amount and approve surety of Sergeant-at-Arms' bond.

By *Rule 71* it is provided that the bond of the Sergeant-at-Arms shall be in a sum not less than five nor more than ten thousand dollars, at the discretion of the Speaker, and with surety to be approved by the Speaker.

Divine service in the hall only with his consent.

"No person shall be permitted to perform divine service in the chamber occupied by the House of Representatives unless with the consent of the Speaker."—*Rule 140.*

Shall have disposal of rooms in Capitol.

"The unappropriated rooms in that part of the Capitol assigned to the House shall be subject to the order and disposal of the Speaker until the further order of the House."—*Rule 147.*

With the President of Senate may prescribe rules in regard to Capitol not occupied by either house exclusively.

By the act of May 2, 1828, the Speaker is authorized, jointly with the President of the Senate, to prescribe rules and regulations "for the care, preservation, orderly keeping, and police of all such portions of the Capitol, its appurtenances, and the enclosures about it, and the public buildings and property in its immediate vicinity, as are not in the exclusive use and occupation of either house of Congress," which rules, &c., shall be obeyed by the Commissioner of Public Buildings.—*Stat. at Large, vol. IV, p. 266.*

Shall prescribe rules in regard to part of Capitol in use of House.

It shall also be the duty of said commissioner "to obey such rules and regulations as may be, from time to time, prescribed by the presiding officer of either house of Congress, for the care, preservation, orderly keeping, and police of those portions of the Capitol and its appurtenances which are in the exclusive use and occupation of either house of Congress respectively.—*Ibid.*

With the President of Senate, shall fix pay of police.

The "necessary assistants" of said Commissioner "shall receive a reasonable compensation for their services, to be allowed by the presiding officers of the two houses of Congress;" one moiety of said sums to be paid out of the contingent fund of the House.—*Ibid.*

Duty of, on report that witness fails to testify.

By the act of January 24, 1857, it is provided that where a witness, summoned by the authority of the House to testify before the House or any of its committees, "shall wilfully make default, or who, appearing, shall refuse to answer any question pertinent to the matter of inquiry in consideration," "and the facts shall be reported

to the House, it shall be the duty of the Speaker of the House to certify the facts under the seal of the House to the district attorney for the District of Columbia.”—*Stat. at Large*, vol. XI, p. 156. (See WITNESS.)

By the act of August 26, 1852, it is made the duty of the Superintendent of Public Printing to open the proposals for furnishing paper for the public printing, in the presence of the President of the Senate and the Speaker of the House of Representatives, on the first Tuesday after the first Monday of December, annually, or as soon thereafter as a Speaker shall be elected.—*Stat. at Large*, vol. X, p. 31.

SPEAKER PRO TEMPORE.

“The Speaker shall have a right to name any member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment.”—*Rule 6*.

“Where the Speaker has been ill, other Speakers *pro tempore* have been appointed.”—*Manual*, p. 64; *Journals*, 1, 5, pp. 266, 316; 1, 30, p. 923.

SPEAKER'S TABLE.

(See BUSINESS ON SPEAKER'S TABLE.)

SPECIAL ORDERS.

Special orders are made under a suspension of the rules.—*Journal*, 1, 31, 1176. [And of course (unless unanimous consent is given for the purpose—*Journal*, 1, 30, p. 580) can only be made when a motion to suspend the rules is in order.]

It requires a two-thirds vote to make a special order, it being a change of the established order of business.—*Journals*, 1, 23, p. 785; 3, 27, p. 355; 1, 31, p. 1096.

The usual form of resolution for making a special order is, “that the (here describe the bill or whatever else it may be) be made the special order for the — day of —, and from day to day until the same is disposed of.”—*Journal*, 1, 31, p. 1176. [In which case, after the arrival of the time fixed, or the disposal of a special order previously

made, it takes precedence of all other business until it is disposed of.]

Other forms.

Sometimes the words "*Fridays and Saturdays excepted*" are inserted.—*Journal*, 1, 30, p. 692. [In which case the consideration of private bills may be proceeded with on those days, but it is otherwise where these words are omitted.—*Journal*, 1, 32, pp. 401, 433.] And sometimes the words "*and from day to day until disposed of*" are omitted.—*Journal*, 1, 31, p. 522. In which case, if the matter made a special order is not taken up, or, if taken up, is left undisposed of on the day fixed, thereafter it loses its specialty.—*Ibid.*, pp. 631, 897.

May be postponed.

A special order may be postponed by a majority vote.—*Journal*, 1, 29, p. 1170.

Where two, on same day.

Where two special orders are made for the same time the one first made takes precedence.—*Cong. Globe*, 1, 26, p. 325. [The other, according to the practice, if made for that day, and "from day to day," will come up as soon as the one first made is disposed of.]

Motion to suspend rules not in order pending.

Pending a special order, it is not in order to move a suspension of the rules, the special order having been made under a suspension of the rules.—*Cong. Globe*, 2, 29, p. 439.

STATIONERY.

To be procured by contract.

By the act of August 26, 1842, it is provided that all stationery, of every name and nature, for the use of the House of Representatives, shall be furnished by contract

Clerk to advertise for proposals.

by the lowest bidder. The Clerk of the House of Representatives shall advertise, once a week for at least four weeks, in one or more of the principal papers published in the city of Washington, for sealed proposals for furnishing such articles, or the whole of any particular class of articles, specifying in such advertisement the amount, quantity, and description of each kind of articles to be furnished; and all such proposals shall be kept sealed until the day specified in such advertisement for opening the same, when they shall be opened by or under the direction of the Clerk, in the presence of at least two persons; and the person offering to furnish any class of

When proposals to be opened.

such articles, and giving satisfactory security for the performance thereof, under a forfeiture not exceeding twice the contract price in case of failure, shall receive a contract therefor; and in case the lowest bidder shall fail to enter into such contract and give such security within a reasonable time, to be fixed in such advertisement, then the contract shall be given to the next lowest bidder, who shall enter into such contract and give such security. And in case of a failure to supply the articles by the person entering into such contract, he and his sureties shall be liable for the forfeiture specified in such contract, as liquidated damages, to be sued for in the name of the United States in any court having jurisdiction thereof.—*Stat. at Large, vol. V, pp. 526, 527.*

To whom contract to be awarded.

Liability of contractor failing to supply.

By a resolution of the House of March 4, 1842, the Clerk is directed, in his purchase of stationery, to give preference, in all cases, to American manufactures, provided they be equally cheap and of as good quality; and to cause to be recorded, in a well bound book suited to that purpose, the bills and invoices of all the stationery he may purchase from time to time; and to deliver to the postmaster of the House such kind and quantities of stationery as, from time to time, may be necessary for the use of the House, keeping an accurate account of the same, and also of the quantity and value of that used in the Clerk's office; and in his annual contingent report state accurately and distinctly the quantity and cost of the stationery used by the House and the Clerk's office separately.—*Journal, 2, 27, pp. 476, 495.*

Preference given to American manufacture.

Record of bills and invoices of, to be kept.

To be delivered to postmaster.

Report of quantity used to be made annually.

By a resolution of the House of the same date, the postmaster of the House is authorized and required to deliver to each member of the House the usual articles of stationery furnished to members to an amount not exceeding in value, at the cost price in the stationery room, the sum of \$45 for the long and \$25 for the short session of Congress. [This sum fixed by resolution of September 24, 1850.—*Journal, 1, 31, p. 1510.*] To keep a true and accurate account of all stationery which he may so deliver to the several members of the House; and if, in any case, a member shall require and receive a greater amount of

Allowance of, to each member.

Postmaster to keep account of, delivered to members.

In case member receives more than his allowance.

Limitation of, not to apply to folding-paper.

stationery, during either session, than is above provided, the postmaster shall, before the close of such session, furnish to the Sergeant-at-Arms an account of such excess beyond the amounts respectively above specified, who is hereby required to deduct the amount of such excess from the pay and mileage of such members, and refund the same into the treasury: *Provided*, That this limitation is not to be made applicable to the use of envelope paper which may be required in the folding-room.—*Ibid.*, pp. 480, 481, 485, 495.

Is furnished for use of committees to chairman or on order.

By a resolution of the House of March 5, 1842, the postmaster is authorized to deliver, for the use of the several committees of the House, such stationery as may be required for that purpose by the respective chairmen of such committees, keeping a true and accurate account of the quantity and cost of all so delivered. Stationery for the use of any committee not to be furnished except to the acting chairman thereof or to his order; nor to any one except to the members of the House and its officers.—*Journal*, 2, 27, pp. 485, 495.

Not to be furnished except to members and officers.

STENOGRAPHERS.

(See REPORTERS.)

STRIKE OUT, MOTION TO.

And insert indivisible.

Effect of negative vote on.

“A motion to strike out and insert shall be deemed indivisible; but a motion to strike out being lost shall preclude neither amendment nor a motion to strike out and insert.”—*Rule* 53.

May perfect before question is put on.

“If it is proposed to amend by striking out a paragraph, the friends of the paragraph are first to make it as perfect as they can by amendments before the question is put for striking it out.”—*Manual*, p. 105.

And insert A prevailing, A cannot be struck out and B inserted.

Where it is voted affirmatively to strike out certain words and insert A, it is not afterwards in order to strike out A and insert B.—*Ibid.*, p. 106.

But a portion of original paragraph comprehending A may be.

“After A is inserted, however, it may be moved to strike out a portion of the original paragraph, comprehending A, provided the coherence to be struck out be so substantial as to make this effectively a different proposition.”—*Ibid.*

STRIKE OUT ENACTING CLAUSE.

(See ENACTING CLAUSE, MOTION TO STRIKE OUT.)

SUBPŒNAS.

All subpœnas issued by order of the House shall be under the hand and seal of the Speaker, attested by the Clerk.—*Rule 15.*

To be under hand and seal of the Speaker, and attested by Clerk.

SUNDAY.

It is for the House, and not for the Speaker, to determine whether the House shall continue in session after twelve o'clock on Saturday night.—*Journal*, 1, 24, pp. 577, 582.

For House to determine whether session shall continue on Sunday.

TAXES.

“No motion or proposition for a tax or charge upon the people shall be discussed the day on which it is made or offered; and every such proposition shall receive its first discussion in a Committee of the Whole House.”—*Rule 131.*

Motion for, to be first discussed in Committee of the Whole.

“No sum or quantum of tax or duty voted by a Committee of the Whole House shall be increased in the House until the motion or proposition for such increase shall be first discussed and voted in a Committee of the Whole House; and so in respect to the time of its continuance.”—*Rule 132.*

So also with motion for increase of, or time of continuance.

TELLERS.

On putting a question, “if the Speaker doubt, or a division is called for, the House shall divide; those in the affirmative of the question shall rise first from their seats, and afterwards those in the negative. If the Speaker still doubt, or a count be required, the Speaker shall name two members, one from each side, to tell the members in the affirmative and negative; which being reported, he shall rise and state the decision to the House. No division and count of the House by tellers shall be in order but upon motion seconded by at least one-fifth of a quorum of the members.”—*Rule 4.*

Speaker in case of doubt on a division may name.

One-fifth of a quorum may require.

In the election of officers.

[In the election of a Speaker, it is the invariable practice of the Clerk to name four members to act as tellers of the vote; and in the election of the other officers the same number of tellers are named by the Speaker. Such tellers are usually selected from the different political parties of which the House is composed.]

TERRITORIES, COMMITTEE ON THE.

When appointed, and number of.

There shall be appointed, at the commencement of each session, a Committee on the Territories, to consist of nine members.—*Rule 76.*

Its duties.

“It shall be the duty of the Committee on the Territories to examine into the legislative, civil, and criminal proceedings of the Territories, and to devise and report to the House such means as, in their opinion, may be necessary to secure the rights and privileges of residents and non-residents.”—*Rule 95.*

THANKS TO THE SPEAKER.

Resolution of, in order at any time.

A resolution of thanks to the Speaker is, under the practice, a privileged question, and is in order at any time.—*Journals*, 2, 20, p. 385; 1, 23, p. 879.

TIE VOTE.

In case of, Speaker shall vote; also when his vote will make.

“In all cases of ballot by the House, the Speaker shall vote; in other cases he shall not be required to vote unless the House be equally divided, or unless his vote, if given to the minority, will make the division equal; and in case of such equal division the question shall be lost.”—*Rule 12.*

Who may move to reconsider in case of.

A member who has voted with the prevailing side (the negative side, according to the foregoing rule) on a tie vote is entitled to move a reconsideration.—*Journal*, 1, 30, p. 1080. (See RECONSIDERATION.)

UNFINISHED BUSINESS.

Of preceding day, when to have preference.

The unfinished business in which the House was engaged at the last preceding adjournment shall have preference in the orders of the day; and no motion on any other business shall be received, without special leave of

the House, until the former is disposed of.—*Rule 58.*

[The “orders of the day” in which this class of business has preference only come up in order, according to the *27th rule*, after the messages, communications, and bills on the Speaker’s table are disposed of.] According to the practice, however, if before an adjournment, the previous question is seconded, or the main question ordered, that subject is the first business in order at the next meeting of the House.—*Journal*, 2, 28, p. 310; 1, 35, pp. 771, 853, 855.

When, first business in order next day.

“After six days from the commencement of a second or subsequent session of Congress, all bills, resolutions, or reports which originated in either house, and at the close of the next preceding session remained undetermined in either house, shall be resumed and acted on in the same manner as if an adjournment had not taken place.”—*Joint Rule 21.*

Of the preceding session, when to be resumed.

The *22d rule* makes similar provision for the resumption of all bills, resolutions, or reports which originated “in the House.”

When bills and reports from the Court of Claims to the House are left undisposed of at the end of a Congress, the bills are to be again read twice and referred to the Committee of Claims, and the adverse reports restored to the private calendar, at the commencement of the next Congress.—*Journal*, 1, 35, pp. 134, 135.

Reports from Court of Claims undisposed of at end of Congress.

VETO.

Where a bill, having passed both houses, shall be presented to the President of the United States, “if he approve he shall sign it, but if not he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the

Return of bill with objections of President.

Objections to be entered on journal.

Proceedings on veto.

Yeas and nays on reconsideration.

names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law."—*Const.*, 1, 7, 10.

Bill must be returned within ten days.

Similar rules applicable to orders, resolutions, and votes.

A similar provision is made in the case of orders, resolutions, or votes presented to the President for his approval.—*Ibid.*, 1, 7, *pp.* 10, 11.

Veto message read upon its being received.

Whenever a bill is returned to the House with the objections of the President, it is usual to have the message containing his objections *immediately* read—*Journals*, 1, 28, *pp.* 1081, 1084; 1, 29, *pp.* 1209, 1214; 2, 33, *pp.* 397, 411;

And bill reconsidered or postponed.

But not where less than a quorum present.

1, 34, *p.* 1420; and for the House to proceed to the reconsideration of the bill—*Ibid.*, or to postpone its reconsideration to a future day—*Ibid.*, 1, 21, *p.* 742. But not where less than a quorum is present—*Ibid.*, 33, *p.* 1341.

Bill or message may be referred, or bill laid on table.

A veto message and bill may be referred, or the message alone, and the bill may be laid on the table.—*Journal*, 2, 27, *pp.* 1253, 1254, 1256, 1257; *Cong. Globe*, same sess., *p.* 875.

Main question on vetoed bill.

The main question in the consideration of a vetoed bill is "Will the House on reconsideration agree to pass the bill."—*Journals*, 2, 27, *p.* 1051; 1, 28, *p.* 1085; 1, 29, *p.* 1218, &c.

Two-thirds of members present necessary to pass vetoed bill.

The "two-thirds" by which a vetoed bill is required to be approved before it becomes a law has been construed in both houses to mean "*two-thirds of the members present.*"—*Journal*, 1, 34, *pp.* 1176, 1178, 1420, (in all of which cases one hundred and fifty-six affirmative votes would have been necessary to pass the bills, if "two-thirds of the members elected" had been required,) and *Senate Journal*, 1, 34, *p.* 419.

Motion to proceed to consider a privileged question.

A motion to proceed to the consideration of a vetoed bill with the objections of the President, is a privileged question under the Constitution.—*Cong. Globe*, 2, 27, *p.* 905; 2, 28, *p.* 396.

No reconsideration of vote on vetoed bill.

A vote on the passage of a vetoed bill cannot be reconsidered.—*Cong. Globe*, 1, 28, *pp.* 672, 677; *Journal*, same sess., *p.* 1093 to 1098.

Where the President does not approve a bill, and is prevented by the adjournment of Congress from returning it with his objections, it is usual for him to inform the House wherein it originated, at the next session, of his reasons for not approving it.—*Journals*, 2, 12, p. 544; 1, 30, p. 82; 2, 35, p. 151.

Where President prevented by adjournment from returning bill with objections.

VIVA VOCE.

"In all cases of election by the House of its officers the vote shall be taken *viva voce*."—*Rule* 14.

(See ELECTIONS BY THE HOUSE.)

VOTING.

"Questions shall be distinctly put in this form, to wit: 'As many as are of opinion that, (as the question may be,) say *Ay*;' and after the affirmative voice is expressed, 'As many as are of the contrary opinion, say *No*.' If the Speaker doubt, or a division be called for, the House shall divide: those in the affirmative of the question shall first rise from their seats, and afterward those in the negative. If the Speaker still doubt, or a count be required, the Speaker shall name two members, one from each side, to tell the members in the affirmative and negative; which being reported, he shall rise, and state the decision of the House. No division and count of the House by tellers shall be in order but upon motion seconded by at least one-fifth of a quorum of the members."—*Rule* 4. "And the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal."—*Const.*, 1, 5, 9.

Different modes of, viz: By the voices. By a division. By tellers, and By yeas and nays.

(See YEAS AND NAYS.)

"If any question arises in point of order during the division, the Speaker is to decide peremptorily, subject to the future censure of the House if irregular."—*Manual*, p. 118.

Point of order while engaged in.

"Every member who shall be in the House when the question is put shall give his vote, unless the House shall

Every member in House shall vote, unless excused.

When motion to be excused from, to be made. excuse him. All motions to excuse a member from voting shall be made before the House divides, or before the call of the yeas and nays is commenced; and the question shall then be taken without debate."—*Rule 42.*

No member to vote where interested or without the bar. "No member shall vote on any question in the event of which he is immediately and particularly interested, or in any case where he was not within the bar of the House when the question was put. And when any member shall ask leave to vote, the Speaker shall propound to him the question, "Were you within the bar when your name was called?"—*Rule 40.*

No member to vote if without bar. "Upon a division and count of the House on any question, no member without the bar shall be counted."—*Rule 41.*

(See BAR OF THE HOUSE.)

Member of a conference no right to vote. A member of a committee of conference absent when his name is called has no right to have his vote recorded.—*Journal*, 1, 32, p. 1110.

Unanimous consent usually given to vote where absent by leave. But, according to the practice, a member absent by leave of the House is usually permitted by a vote of the House, or by unanimous consent, to have his vote recorded; but not after the result is announced, unless his vote will not change the result.—*Journal*, 1, 23, p. 616. But a single case is known where a member absent without leave at the time his name was called has been permitted to vote.—*Journal*, 2, 28, p. 532.

But not where absent without leave. A member has the right to change his vote before the decision of the question has been finally and conclusively pronounced by the chair.—*Journal*, 2, 20, pp. 357, 358. [But not afterwards.]

Member has right to change vote before decision finally pronounced. And it is not competent for a member to have the journal amended so as to have the record of his vote changed, upon a representation that such vote, though recorded as given, was given under a misapprehension.—*Journals*, 2, 8, p. 167; 2, 27, p. 263.

WARRANTS, WRITS, ETC.

To be signed by Speaker and attested by Clerk. All writs, warrants, and subpœnas, issued by order of the House, shall be under the hand and seal of the Speaker, attested by the Clerk.—*Rule 15.*

WAYS AND MEANS, COMMITTEE OF.

There shall be appointed, at the commencement of each session of Congress, a Committee of Ways and Means, to consist of nine members.—*Rule 76.* When appointed and of what number.

“It shall be the duty of the Committee of Ways and Means to take into consideration all such reports of the Treasury Department, and all such propositions relative to the revenue as may be referred to them by the House; to inquire into the state of the public debt or the revenue and of the expenditure, and to report, from time to time, their opinion thereon; [to examine into the state of the several public departments, and particularly into the laws making appropriations of moneys, and to report whether the moneys have been disbursed conformably with such laws; and also to report, from time to time, such provisions and arrangements as may be necessary to add to the economy of the departments, and the accountability of their officers.]*” Its duties.

“In preparing bills of appropriations for other objects, the Committee of Ways and Means shall not include appropriations for carrying into effect treaties made by the United States; and where an appropriation bill shall be referred to them for their consideration, which contains appropriations for carrying a treaty into effect, and for other objects, they shall propose such amendments as shall prevent appropriations for carrying a treaty into effect being included in the same bill with appropriations for other objects.”—*Rule 78.*

“It shall also be the duty of the Committee of Ways and Means, within thirty days after their appointment, at every session of Congress, commencing on the first Mon- Its duty in regard to general appropriation bills.

*That portion of the duty of the Committee of Ways and Means which is printed within brackets was originally adopted on the 7th January, 1802. On the 26th February, 1814, the Committee on Public Expenditures was created and added to the list of standing committees. The duties of this latter committee are exactly those contained in that portion of the duties of the Committee of Ways and Means which is referred to in this note as within brackets. The words ought to be stricken from the specification of the duties of the Committee of Ways and Means.

day of December, to report the general appropriation bills for the civil and diplomatic expenses of government; for the army; for the navy; and for the Indian department and Indian annuities; or, in failure thereof, the reasons of such failure.”—*Rule 79*. (See APPROPRIATION BILLS.)

The rule just recited does not authorize the Committee of Ways and Means to report the general appropriation bills at any time, except upon a call of the committees for reports.—*Journal*, 3, 34, p. 155.

Authorized to employ a clerk.

The Committee of Ways and Means is authorized by resolution of February 18, 1856, to employ a clerk.—*Journal*, 1, 34, p. 557.

WITNESS.

Summoned by order of the House.

Witnesses are summoned in pursuance of an order of the House, usually by virtue of its authority conferred upon a committee “to send for persons and papers.”—*Journal*, 1, 35, pp. 88, 175.

Subpœnas to be under hand and seal of Speaker and attested by Clerk.

All subpœnas issued by order of the House shall be under the hand and seal of the Speaker, attested by the Clerk.—*Rule 15*.

Sergeant-at-Arms shall execute subpœnas directed to him.

The Sergeant-at-Arms shall execute the commands of the House from time to time, together with all such process issued by authority thereof, as shall be directed to him by the Speaker.—*Rule 67*.

Who may administer oaths to.

The Speaker of the House of Representatives, a chairman of a Committee of the Whole, or a chairman of a select committee—*Stat. at Large*, vol. I, p. 554—and the chairman of any standing committee, shall be empowered to administer oaths or affirmations to witnesses in any case under their examination.—*Stat. at Large*, vol. III, p. 345.

Fees of.

“The rule for paying witnesses summoned to appear before this House, or either of its committees, shall be as follows: For each day a witness shall attend, the sum of two dollars; for each mile he shall travel in coming to or going from the place of examination, the sum of ten cents each way; but nothing shall be paid for travelling

home when the witness has been summoned at the place of trial.”—*Rule 141.*

The failure or refusal of a witness to appear, or refusal to testify, is a breach of the privileges of the House, and has been punished by commitment to the custody of the Sergeant-at-Arms, by expulsion from the floor as a re-porter, and by commitment to the common jail of the District of Columbia.—*Journals*, 1, 12, *pp.* 276, 277; 2, 33, *pp.* 315, 318; 2, 34, *pp.* 269, 277, 281, 384, 567; 1, 35, *pp.* 371, 387 to 389, *pp.* 535 to 539.

Failure of, to appear or testify.

Penalty for failure of, to appear or testify.

Any person summoned as a witness by authority of the House to give testimony or to produce papers upon any matter before the House or any committee thereof, who shall wilfully make default, or who, appearing, shall refuse to answer any question pertinent to the matter of inquiry in consideration before the House or committee by which he shall be examined, shall, in addition to the pains and penalties now existing, be liable to indictment as for a misdemeanor. And when a witness shall fail to testify, as above, and the facts shall be reported to the House, it shall be the duty of the Speaker to certify the fact, under the seal of the House, to the district attorney for the District of Columbia.—*Stat. at Large*, vol. XI, *pp.* 155, 156.

Failure of, to appear or testify. Additional penalty.

Duty of Speaker on failure of, to testify.

WRITING.

“Every motion shall be reduced to writing if the Speaker or any member desire it.”—*Rule 44.*

Motions to be reduced to.

“If a member be called to order for words spoken in debate, the person calling him to order shall repeat the words excepted to, and they shall be taken down in writing at the Clerk’s table.”—*Rule 36.*

Words excepted to be taken down in.

YEAS AND NAYS.

“The yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.”—*Const.*, 1, 5, 9.

May be taken if desired by one-fifth of those present.

“And in all cases” (on the passage of a vetoed bill) “the votes of both houses shall be determined by yeas and

Must be taken on passage of a vetoed bill.

Where demand
for, may be made.

nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively."—*Ibid.*, 1, 7, 10. The yeas and nays may be called for while a vote on a division or by tellers is being taken—*Cong. Globe*, 2, 28, p. 121—or while the Speaker is announcing the result of such vote—*Ibid.*, 1, 29, p. 420—or even after the announcement and before passing to any other business—*Ibid.*, 1, 31, p. 277—but not after the result is announced, if delayed until the Speaker shall be in the act of putting another question.—*Journal*, 1, 32, p. 254.

After refusal of, not
in order to repeat
demand.

It is not in order to repeat a demand for the yeas and nays which has been once refused.—*Cong. Globe*, 1, 29, p. 304; 2, 30, p. 623; *Journal*, 1, 33, p. 939.

Order of, or refusal
of, may be recon-
sidered.

An order of the yeas and nays—*Journals*, 1, 19, p. 796; 1, 30, p. 405—or a refusal of the yeas and nays—*Cong. Globe*, 2, 30, p. 623—may be reconsidered.

Not in order on
seconding previous
question.

The yeas and nays cannot be demanded on seconding a demand for the previous question.—*Journal*, 2, 19, p. 493.

Nor in Committee
of the Whole.

Nor can they be taken on any question in Committee of the Whole.—*Cong. Globe*, 1, 28, p. 618.

In taking, names
to be called alpha-
betically.

"In taking the yeas and nays on any question the names of the members shall be called alphabetically."—*Rule*

No person to visit
Clerk's desk while
being taken.

62. And while they are being taken, no member or other person shall visit or remain by the Clerk's table.—*Rule* 39.

No debate after one
response on call of.

After the yeas and nays are ordered and a member has answered to his name, the roll call must progress without debate.—*Cong. Globe*, 1, 31, p. 1686.

(See VOTING.)



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